

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1993

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, FEBRUARY 2, 1993



Vol. 1

WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
4. A topic index of local bills listed alphabetically by counties;
5. A topic index of resolutions;
6. A miscellaneous index, including all items not categorized as bills or resolutions;
8. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
9. A Senate bill numerical index, with short titles;
10. A House bill numerical index, with short titles;
11. A Senate joint resolution, Senate resolution numerical index, with short titles;
12. House joint resolution numerical index, with short titles;
13. Act Index.

**JOURNAL
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SENATE
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OF 1993**

**FIRST LEGISLATIVE DAY
TUESDAY, FEBRUARY 2, 1993**

This being the second Tuesday in February, A.D., 1993, and the day fixed by law and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate.

McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by Senator Bobby Denton, First Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Stanley Frye, Lowndes Academy, Lowndesboro, Alabama.

COMMUNICATION FROM SENATOR EARL HILLIARD

January 5, 1993

Mr. McDowell Lee
Secretary of the Senate
Senate Office
Montgomery, Alabama 36130

Dear Mr. Secretary:

Please notify the Senate that I hereby submit my resignation as Senator from District 20 to become effective this date, January 5, 1993 at 12 noon EST.

Please express my appreciation to the Senate body for the privilege of serving with them during my tenure as Senator.

Sincerely,

EARL F. HILLIARD

The foregoing Communication from Senator Hilliard, recently elected Congressman to the United States House of Representatives, was read and ordered spread upon the Journal.

CERTIFICATION OF ELECTION

In the Name and by the Authority of the STATE OF ALABAMA I, Billy Joe Camp, Secretary of State of the State of Alabama, in accordance with the Constitution and the laws of the State of Alabama, do hereby certify as duly elected:

**THE HONORABLE DELL HILL
MEMBER
ALABAMA STATE SENATE
DISTRICT 11
STATE OF ALABAMA**

on the twenty-sixth day of January, 1993, according to the election returns filed with the Secretary of State.

In Witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the Alabama Statehouse in the City of Montgomery, Alabama, on this date.

February 1, 1993

Date

BILLY JOE CAMP
Secretary of State.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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RESOLUTIONS

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

SJR 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Dixon, Owens, and Bedsole.

Senator deGraffenried then offered the following Senate Joint Resolution, to-wit:

SJR 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses recess Tuesday, February 2, 1993, in the Alabama State House that the two houses convene again at 6:30 p.m. on February 2, 1993, in the House of Representatives Chamber on the second floor of the Alabama State Capitol, 600 Dexter Avenue, in a joint session for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three

from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a committee to escort the Governor to the joint session of the two houses.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators Hill, Dial, and Waggoner.

Senator deGraffenried then offered the following Senate Joint Resolution, to-wit:

SJR 3. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the acts and journals of this Regular Session in 1993, be bound separately from any other Special Session in 1993.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Langford and Corbett offered the following Senate Joint Resolution, to-wit:

SJR 4. MOURNING THE DEATH OF JOHN LEE BUSKEY OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of John Lee Buskey of Montgomery, Alabama, December 3, 1992, at the age of 54 years; and

WHEREAS, Mr. Buskey, a member for nine years of the Alabama House of Representatives, was known statewide for his significant and positive impact, not only upon state government, but also public education, as well as civic, religious, and community affairs; and

WHEREAS, the Director of Library and Learning Resources at his Alma Mater, Alabama State University, Mr. Buskey also earned a M.S. degree from Atlanta University, and was affiliated with a number of professional associations; and

WHEREAS, he further was a member and held leadership posi-

tions with such organizations as the Alabama Democratic Caucus, Council of Deans, ASU Faculty Senate, and NAACP, among others, and was Moderator of Montgomery's First Congregational Christian Church; and

WHEREAS, John Buskey, survived by his wife, Essie, also leaves two daughters, Janet and Susan; a son, John; parents, the Reverend and Mrs. Charles Buskey, Sr.; brothers, James, Charles, Jr., and Martin Buskey; sisters, Wanda B. King and Joyce B. Royal; and other family members; and

WHEREAS, John L. Buskey was one of Alabama's most prominent citizens whose contributions were of incalculable worth; although a quiet and unassuming man, he was a man of great substance and effectiveness, and one whose many accomplishments earned him the highest regard of all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of John L. Buskey of Montgomery, Alabama, and do hereby direct that a copy of this resolution be provided for his loving wife, Mrs. Essie Buskey.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

SJR 5. MOURNING THE DEATH OF MARY GENE DUNWODY BAILEY OF MONTGOMERY, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature records the untimely death of Mary Gene Dunwody Bailey of Montgomery, Alabama, on January 14, 1993; and

WHEREAS, a native of Montgomery and the daughter of the late Richard and Clara Farris Dunwody, Mary Gene Bailey attended Mary Washington College and graduated from the University of Alabama, where she was a member of Kappa Delta, and which she later served as vice president of the University of Alabama Alumni Association; she was the wife of George F. (Bubber) Bailey, a former colleague in the Alabama House of Representatives, and a close, personal friend to many members of the Legislature; and

WHEREAS, Mrs. Bailey, whose extraordinary talent as an accomplished writer, artist, designer, and decorator was widely acknowledged and admired, also was a very caring person whose concern for her family, friends, and the community was reflected daily through her many endeavors on their behalf; and

WHEREAS, over the years, she was active in support of her children's schools, and was most especially dedicated in service to the First United Methodist Church of Montgomery; she was a member and past president of the Montgomery Civic Ballet, a member of the National Society of the Daughters of the American Revolution and the National Society of Daughters of the American Colonies, former historian for the Antiquarian Society, and past secretary of the Junior League and editor of the League Log, among numerous other positions of civic and community leadership; and

WHEREAS, Mary Gene Bailey was a devoted Christian of deep and abiding faith, whose generosity of heart and spirit greatly brightened the lives of her beloved family and many, many friends, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn her death, we give thanks for the life of Mary Gene Dunwody Bailey, and extend our very deepest sympathy to her husband, Bubber Bailey; to their children, Linda Farris Bailey McLemore, George Forrest Bailey, III, and Richard Dunwody Bailey; and to their five grandchildren, whose sorrow we sincerely share and for whom copies of this resolution shall be provided.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom then offered the following Senate Joint Resolution, to-wit:

SJR 6. CONGRATULATING THE UNIVERSITY OF ALABAMA ON THE 1992 NATIONAL FOOTBALL CHAMPIONSHIP.

WHEREAS, in replying to critics who called them a one-dimensional team, the Alabama Crimson Tide turned the Sugar Bowl into a three-dimensional New Year's rout, 34-13 over the top-ranked, favored-to-win Miami Hurricanes; and

TIONS OF DAN AND VERA HURST OF DECATUR, ALABAMA.

WHEREAS, the formal dedication of Cedar Ridge School in Decatur, Alabama, which was held November 22, 1992, was attended by distinguished district legislative representatives and city council members, with the Honorable James Hurst, President of the Decatur City Board of Education, presiding; and

WHEREAS, honored at the ceremony were Dan and Vera Hurst, who, over 30 years ago, had the vision and the foresight to imagine that one day such a school would be needed, and had generously given 15 acres of their 25-acre woodland to the Decatur City Board of Education; and

WHEREAS, also, on this momentous occasion, the Dan and Vera Hurst Library was dedicated to the honor of Vera Hurst, and to the memory of Dan Hurst who passed away on June 22, 1987; and

WHEREAS, Dan Hurst, a native of Hatton, Alabama, and a longtime resident of Decatur, graduated from Riverside High School and worked at Wells Hosiery Mill, in addition to becoming a successful farmer and homebuilder, and he and the former Vera Wright were married on December 23, 1929; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to their community and to education in our State, highest honor and tribute are hereby bestowed upon Vera Wright Hurst and the late Dan Hurst of Decatur, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. Hurst, and a copy also prepared for presentation to Board of Education President James Hurst for appropriate display.

On motion of Senator Campbell, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

The following Bills, having been pre-filed with the Secretary of the Senate under the provisions of Joint Rule 10, were severally read one time, and previous referrals by the President and Presiding Officer to appropriate Standing Committees were confirmed, as follows:

By Senators Hale, Dial, Barron, Mitchem, Bolling, Lipscomb, Owens, Bedsole, and Ellis:

S. 1. To provide for travel by the Governor; to approve all

WHEREAS, the Tide's defense, offense and specialty teams, playing "Yea, Alabama" in stereo, raised "Cane" with Miami, turning them "every which way but loose," to capture a number-one ranking in all four national polls; and

WHEREAS, with its spectacular season -- a 13-0 record, the SEC Crown determined for the first time by a division playoff game, the National Title, and the nation's longest winning streak, 23 in-a-row -- the Crimson Tide has soared to the summit of college football, placing the University and Alabama in the spotlight of fame; and

WHEREAS, Tide Pride is indeed a prevailing sentiment, statewide, and within the SEC, considered by many to be the toughest conference in the country and a judgment reinforced in '92 with six of its teams ranked nationally and five SEC bowl victories; and

WHEREAS, Coach-of-the-Year Gene Stallings, Assistant Coaches Bill Oliver and Mal Moore, Bama's entire coaching staff, and our 1992 National Champions, each and every one, deserve highest acclaim for a phenomenal season that ended with the Sugar Bowl painted Bama Crimson and White; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That heartiest congratulations are hereby extended to the Alabama Crimson Tide on the 1992 National Football Championship, and it is further directed that copies of this resolution be prepared for appropriate presentation and display at the University of Alabama.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

GREG PAPPAS,
Clerk.

RESOLUTION

Senator Campbell offered the following Senate Joint Resolution, to-wit:

SJR 7. RECOGNIZING THE OUTSTANDING CONTRIBU-

travel and travel activities in state-owned modes of transportation by any Governor after September 14, 1973; to provide that this act shall be declaratory of existing law; and to provide retroactive effect.

Committee on Governmental
Affairs/State Administration

By Senator Corbett:

S. 2. To provide for a pay scale for county chief appraisers based on population of the counties.

Committee on Economic Affairs

By Senator Corbett:

S. 3. To regulate the possession and other matters related to certain exotic animals; to prescribe the powers and duties of certain state agencies, officials, and other persons; to provide standards for the care of exotic animals; and to prescribe penalties for violations and provide remedies.

Committee on Economic Affairs

By Senator Corbett:

S. 4. To establish the Alabama Small Business Incubator Act of 1993 to promote and establish small business incubators and entrepreneurial service under the Alabama Department of Economic and Community Affairs.

Committee on Economic Affairs

By Senator Corbett:

S. 5. To provide for the regulation of elevators, dumbwaiters, escalators, moving walks, manlifts, and associated facilities and equipment; and to provide for penalties for violations.

Committee on Economic Affairs

By Senator Dial:

S. 6. To amend Section 9-11-417 of the Code of Alabama 1975, relating to hunting licenses on a commercial fowl hunting preserve to provide a seven-day commercial fowl hunting preserve hunting license.

Committee on Agriculture,
Conservation, and Forestry

By Senator Bolling:

S. 7. To amend Section 9-17-33 of the Code of Alabama 1975, to provide for the payment of proceeds derived from the sale of oil or gas production within 90 days after the end of the calendar month within which subsequent production is sold; to provide for royalty interest owners to share in production; to provide for attorney's fees; and to provide for an accounting to certain royalty interest owners.

Committee on Energy and
Natural Resources

By Senator Foshee:

S. 8. To establish the Alabama Insurance Board to negotiate group health insurance coverage for all residents and their dependents of the State of Alabama who wish to acquire it and to make an appropriation.

Committee on Banking
and Insurance

By Senator deGraffenried:

S. 9. Relating to motor vehicle licensing, registration, and taxation; to authorize the establishment of a County On-Line Operational Registration System, to be administered by the Department of Revenue, updating motor vehicle registrations on the state motor vehicle database; to amend Sections 32-6-61, 32-6-63, 32-6-65, 40-8-1, 40-12-240, 40-12-242, 40-12-248, 40-12-258, 40-12-261, 40-12-262, 40-12-265, 40-12-271, and 40-12-272, Code of Alabama 1975, to provide for the establishment and administration of the staggered registration system, including various registration and licensing fees and the prescription of penalties, fines, and sanctions for violations; to authorize the Commissioner of Revenue to promulgate rules and regulations for the administration of Chapter 12 of Title 40, Code of Alabama 1975; to authorize certain funding for the County On-Line Operational Registration System; to appropriate revenue to the department for the administration of the system; to repeal Sections 32-6-72, 32-6-92, 40-12-259, 40-12-260, 40-12-264, 40-12-267, and 40-12-295, Code of Alabama 1975, in their entirety; and to provide delayed effective dates for the various provisions of this act.

Committee on Finance
and Taxation

By Senator Bennett (With Notice and Proof):

S. 10. Relating to the Tenth Judicial Circuit in Jefferson

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County, amending Act No. 90-542, Regular Session, so as to increase the number of Deputy District Attorneys in said circuit.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 10, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedsole:

S. 11. Amending Section 11-43-144, Code of Alabama 1975, to provide for administration of certain death benefits for fire fighters by the State Board of Adjustment.

Committee on Business
and Labor Relations

By Senator Owens:

S. 12. Relating to insurance; to provide further for a system for allowing the Commissioner of Insurance to regulate certain reinsurance brokers and managers who solicit, negotiate, or place reinsurance cession or retrocession on behalf of a ceding insurer; to include provisions for licensure, required contract provisions, duties, and prohibited acts, along with penalties and liabilities for violations.

Committee on Banking
and Insurance

By Senator Owens:

S. 13. To provide for regulation by the Department of Insurance of the formation and the operation of risk retention groups and purchasing groups in this state formed pursuant to the federal Liability Risk Retention Act of 1986, to the extent permitted by federal law; and to make certain exceptions for county self-insurance funds.

Committee on Banking
and Insurance

By Senator Owens:

S. 14. To further provide for the examination and licensure procedures of the various insurance agents and companies and insurers

in the formation, operation, and transactions of insurance business, as well as meet certain standards for accreditation set by the National Association of Insurance Commissioners, more specifically as follows:

(a) To further provide for the examination of insurers by the Commissioner of Insurance and others to revise the standards; and for these purposes to amend Section 27-2-21, Code of Alabama 1975, relating to examinations.

(b) To further regulate the insurance industry and any person, firm, association, or corporation who is a managing general agent of any type insurance; to authorize the Commissioner of Insurance to issue certain rules and regulations to implement and administer this act.

(c) To further regulate the property and casualty insurers and require a certificate of a qualified independent loss reserve specialist relating to loss and loss adjustment expense reserves in the annual report of those insurers.

(d) To provide further for the scope of coverage provided by the Alabama Life and Disability Insurance Guaranty Association and, except as specified, to restrict the coverage by the association to residents of the State of Alabama, and for this purpose to amend Section 27-44-3, Code of Alabama 1975; and

(e) To further regulate insurers; to require all domestic insurers and health maintenance organizations to become subject to the investment limitations and qualifications of Chapter 41, Title 27, Code of Alabama 1975, and for this purpose to amend Sections 27-41-1, 27-41-2, and 27-41-3, Code of Alabama 1975.

(f) Relating to insurance and insurance holding systems; to regulate business placed with a producer controlled property and casualty insurer; to limit the amount placed with the producer and provide for the liability of the controlling producer in the event of an insolvency by the controlled insurer and for that purpose to conform the Alabama law to the Business Transacted With Producer Controlled Property and Casualty Insurer Act, adopted by the National Association of Insurance Commissioners, and to define these transactions and business; to provide for certain disclosures, hearing processes, and penalties for prohibited acts and violations.

Committee on Banking
and Insurance

By Senator Figures:

S. 15. To establish the Parental-Adult Firearms Responsibility

Act to further regulate the sale, possession, control, and use of firearms; to define and provide punishment for the felony crimes of criminal storage of a firearm in the first and second degrees when under certain circumstances a child obtains access to a firearm and causes injury or death, respectively; and to provide that this act is supplemental to any law relating to the sale, possession, control, and use of firearms.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Dial:

S. 16. Providing certain educational assistance benefits for certain active members of the Alabama National Guard.

Committee on Finance
and Taxation

By Senator Foshee:

S. 17. To amend Section 15-23-4 of the Code of Alabama 1975, relating to the Alabama Crime Victims Compensation Commission, to increase the membership of the commission.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Foshee:

S. 18. To amend Section 28-3A-25, Code of Alabama 1975, to provide further for unlawful acts, offenses, and penalties affecting certain persons under the alcoholic beverage licensing code.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Parsons:

S. 19. To require manufacturers of cellular telephones to include health warning information appropriate for prominent display on the casings of cellular telephones with the instruction information package.

Committee on Commerce,
Transportation, and Utilities

By Senator Parsons:

S. 20. Relating to the operation of motor vehicles; requiring,

as a condition of registration and licensing a motor vehicle, and applying for a driver's license, proof of a motor vehicle liability insurance policy, in force, from an approved insurance company, or certain other financial responsibility; setting the minimum limits and policy coverage; providing penalties for violations and providing for an assigned risk plan for persons classified as high risks, and the effective date; and providing for certain exceptions.

Committee on Banking
and Insurance

By Senator Parsons:

S. 21. To require appropriations to the Department of Corrections for the estimated operating costs of any bill that would result in a net increase in periods of imprisonment in facilities of the department.

Committee on Finance
and Taxation

By Senator deGraffenried:

S. 22. Amending Sections 22-50-1, 22-50-2, 22-50-3, 22-50-4, 22-50-5, 22-50-8, 22-50-9, 22-50-10, 22-50-11, 22-50-13, 22-50-14, 22-50-15, 22-50-16, 22-50-17, 22-50-19, 22-50-20, 22-50-21, 22-50-23, 22-50-25, 22-50-40, 22-50-41, 22-50-42, 22-50-61, and 22-50-62 of the Code of Alabama 1975, changing the name of the Department of Mental Health and Mental Retardation to the Department of Mental Health, Mental Retardation, and Substance Abuse, and transferring all powers, responsibilities, assets, liabilities, and properties accordingly; placing the department under the control of the Board of Mental Health, Mental Retardation, and Substance Abuse, providing for the composition, powers, and duties of the board, and the powers and duties of the department and the commissioner of the department; providing for certain criminal penalties; and repealing Section 22-50-6.

Committee on Public Welfare

By Senator Corbett:

S. 23. Relating to the regulation of liquefied petroleum gas; to amend Section 9-17-109 of the Code of Alabama 1975, to provide for the filling of liquefied gas tanks and bottles; and to require notification of work on liquefied petroleum gas systems.

Committee on Economic Affairs

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By Senator Parsons:

S. 24. To prohibit the State Council on the Arts from providing grants of any state funds to the Alabama Symphony and to provide for the refund by the Alabama Symphony of any such grant funds received during the fiscal year beginning October 1, 1992.

Committee on Finance
and Taxation

By Senator Wilson (With Notice and Proof):

S. 25. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Pickensville in Pickens County.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 25, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Parsons:

S. 26. To amend Act No. 92-620 as passed during the 1992 Regular Session, which makes appropriations for the support, maintenance and development of public education in Alabama, for debt service and capital outlay by repealing the conditional appropriation made from the Alabama Special Educational Trust Fund to the State Council on the Arts for the Alabama Symphony; to require the refund of any funds allotted pursuant to said conditional appropriation and to make an appropriation to local boards of education for transportation equipment for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

By Senator Mitchell:

S. 27. Amending Section 17-22A-7, Code of Alabama 1975, to provide that excess campaign contributions may not be used for any personal use.

Committee on Constitution
and Elections

**COMMUNICATION FROM
DEPARTMENT OF ARCHIVES AND HISTORY**

December 21, 1992

The Honorable McDowell Lee
Secretary of the Senate
Senate Chamber
Alabama State House
Montgomery, AL 36130

Dear Mr. Lee:

On November 12, 1992, the Trustees of the Alabama Department of Archives and History reelected Archbishop Oscar H. Lipscomb from the First Congressional District as a member of the Board of Trustees for a new six-year term beginning January 1, 1993, and ending December 31, 1998. In accordance with Alabama law (Code 41-6-4), we are communicating the results of this election to you so that Archbishop Lipscomb may be confirmed by the Senate.

Please let us know if you need any additional information. We would appreciate your help in bringing the result of this election before the Senate during the next session.

Sincerely,

EDWIN C. BRIDGES,
Director.

COMMUNICATION RECEIVED

The foregoing Communication from the Department of Archives and History, relative to a re-election to the Board of Trustees from the First Congressional District, was read and referred to the Standing Committee on Confirmations.

**COMMUNICATION FROM
DEPARTMENT OF ARCHIVES AND HISTORY**

December 21, 1992

The Honorable McDowell Lee
Secretary of the Senate
Senate Chamber
Alabama State House
Montgomery, AL 36130

Dear Mr. Lee:

On November 12, 1992, the Trustees of the Alabama Department

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of Archives and History reelected Robert E. Steiner, III from the Second Congressional District as a member of the Board of Trustees for a new six-year term beginning January 1, 1993 and ending December 31, 1998. In accordance with Alabama law (Code 41-6-4), we are communicating the results of this election to you so that Mr. Steiner may be confirmed by the Senate.

Please let us know if you need any additional information. We would appreciate your help in bringing the result of this election before the Senate during the next session.

Sincerely,

EDWIN C. BRIDGES,
Director.

COMMUNICATION RECEIVED

The foregoing Communication from the Department of Archives and History, relative to a re-election to the Board of Trustees from the Second Congressional District, was read and referred to the Standing Committee on Confirmations.

**COMMUNICATION FROM THE STATE
SUPERINTENDENT OF EDUCATION**

January 20, 1993

The Alabama State Senate
State House
Montgomery, AL 36130

Ladies & Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on October 30 and December 11, 1992.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
James D. Loftin, Sr.	Dothan, AL	Second	1998

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent
of Education.

Sworn to and subscribed
before me on this 20th
day of January, 1993.

Nell Reynolds
Notary Public

COMMUNICATION RECEIVED

The foregoing Communication from the State Superintendent of Education, relative to an election to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Confirmations.

COMMUNICATION FROM THE STATE SUPERINTENDENT OF EDUCATION

January 20, 1993

The Alabama State Senate
State House
Montgomery, AL 36130

Ladies & Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on October 30 and December 11, 1992.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Sidney L. McDonald	Union Grove, AL	Fourth	1998

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent
of Education.

Sworn to and subscribed
before me on this 20th
day of January, 1993.

Nell Reynolds
Notary Public

COMMUNICATION RECEIVED

The foregoing Communication from the State Superintendent of Education, relative to an election to the Board of Trustees, University of

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Alabama, was read and referred to the Standing Committee on Confirmations.

**COMMUNICATION FROM THE STATE
SUPERINTENDENT OF EDUCATION**

January 20, 1993

The Alabama State Senate
State House
Montgomery, AL 36130

Ladies & Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on October 30 and December 11, 1992.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Frank H. Bromberg, Jr.	Birmingham, AL	Sixth	1998

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent
of Education.

Sworn to and subscribed
before me on this 20th
day of January, 1993.

Nell Reynolds
Notary Public

COMMUNICATION RECEIVED

The foregoing Communication from the State Superintendent of Education, relative to an election to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Confirmations.

**COMMUNICATION FROM THE STATE
SUPERINTENDENT OF EDUCATION**

January 20, 1993

The Alabama State Senate
State House
Montgomery, AL 36130

Ladies & Gentlemen:

In compliance with Amendment 399 of the Constitution of Ala-

1st Day

bama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on October 30 and December 11, 1992.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Garry Neil Drummond	Birmingham, AL	Sixth	1998

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent
of Education.

Sworn to and subscribed
before me on this 20th
day of January, 1993.

Nell Reynolds
Notary Public

COMMUNICATION RECEIVED

The foregoing Communication from the State Superintendent of Education, relative to an election to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Confirmations.

COMMUNICATION FROM THE STATE SUPERINTENDENT OF EDUCATION

January 20, 1993

The Alabama State Senate
State House
Montgomery, AL 36130

Ladies & Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on October 30 and December 11, 1992.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
George S. Shirley	Tuscaloosa, AL	Sixth	1998

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent
of Education.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Auburn University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Tuscaloosa City Civil Service Board.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Wallace Lancaster from Tuscaloosa, Alabama to the Tuscaloosa City Civil Service Board replacing Hilliard Fletcher. Mr. Lancaster's term will expire on May 15, 1995.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa City Civil Service Board, was read and referred to the Standing Committee on Confirmations.

Sworn to and subscribed
before me on this 20th
day of January, 1993.

Nell Reynolds
Notary Public

COMMUNICATION RECEIVED

The foregoing Communication from the State Superintendent of Education, relative to an election to the Board of Trustees, University of Alabama, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Auburn University Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Michael B. McCartney from Gadsden, Alabama to the Auburn University Board of Trustees. Mr. McCartney's term will expire in January of 2003.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Tuscaloosa City Civil Service Board.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mrs. Anne Odom from Tuscaloosa, Alabama to the Tuscaloosa City Civil Service Board replacing J. Russell Gibson, II. Mrs. Odom's term will expire on May 15, 1997.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa City Civil Service Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the State Docks Advisory Committee.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. William DeRamus from Selma, Alabama to the State Docks Advisory Committee replacing Mayor Joe T. Smitherman. Mr. DeRamus will be representing the seventh congressional district and his term will expire on September 28, 1995.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Docks Advisory Committee, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Real Estate Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Leon Crawford from Huntsville, Alabama to the Real Estate Commission. Mr. Crawford will be representing the fifth congressional district and his term will expire on September 30, 1997.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Real Estate Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mrs. Martha

Harlan from Auburn, Alabama to the Real Estate Commission. Mrs. Harlan will be representing the third congressional district and her term will expire on September 30, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Real Estate Appraisers Board of Examiners.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Phil Fowler from Arab, Alabama to the Alabama Real Estate Appraisers Board. Mr. Fowler will be representing the fourth congressional district and his term will expire on September 1, 1994.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Real Estate Appraisers Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Real Estate Appraisers Board of Examiners.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Robert Nesbitt from Birmingham, Alabama to the Alabama Real Estate Appraisers Board. Mr. Nesbitt will be serving as an At Large member of the board and his term will expire on September 1, 1995.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, rel-

ative to a re-appointment to the Alabama Real Estate Appraisers Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Real Estate Appraisers Board of Examiners.

Respectfully submitted,
G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. C. Lanett Davis from Bessemer, Alabama to the Alabama Real Estate Appraisers Board. Mr. Davis will be representing the seventh congressional district and his term will expire on September 1, 1994.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Real Estate Appraisers Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

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the Real Estate Appraisers Board of Examiners.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. George A. Washington from Birmingham, Alabama to the Alabama Real Estate Appraisers Board. Mr. Washington will be serving as an At Large member on this board and his term will expire on September 1, 1994.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Real Estate Appraisers Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Real Estate Appraisers Board of Examiners.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. F. L. Clark from Huntsville, Alabama to the Alabama Real Estate Appraisers Board. Mr. Clark will be representing the fifth congressional district and his term will expire on September 1, 1995.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Real Estate Appraisers Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Appraisers Board.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Zac Perry,

Jr. from Montgomery, Alabama to the Alabama Real Estate Appraisers Board. Mr. Perry will be representing the second congressional district and his term will expire on September 1, 1995.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Real Estate Appraisers Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Board of Public Accountancy.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Wayne D. Rutledge from Florence, Alabama to the Board of Public Accountancy replacing R. Thomas Beason. Mr. Rutledge's term will expire on October 1, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Public Accountancy, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Board of Public Accountancy.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. John McReynolds from Birmingham, Alabama to the Board of Public Accountancy replacing George B. Warren, Sr. Mr. McReynolds' term will expire on October 1, 1993.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Public Accountancy, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Polygraph Examiners Board.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Sergeant Frederick G. Sides from Montgomery, Alabama to the State Polygraph Examiners Board. Sergeant Sides will be representing Governmental Law Enforcement Agencies and his term will expire on January 14, 1997.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Polygraph Examiners Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the State Polygraph Examiners Board.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Lieutenant Jimmy Flanagan from Gadsden, Alabama to the State Polygraph Examiners Board. Lt. Flanagan will be representing Governmental Law Enforcement Agencies and his term will expire on January 14, 1997.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Polygraph Examiners Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Polygraph Examiners Board.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Vernon Pegram from Birmingham, Alabama to the State Polygraph Examiners Board. Mr. Pegram will serve as an Advisory Consultant to the board and his term will expire on January 14, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Polygraph Examiners Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Polygraph Examiners Board.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Pyron G. Pound from Bessemer, Alabama to the State Polygraph Examiners

Board. Mr. Pound will be representing Commercial Polygraph Examiners and his term will expire on January 14, 1997.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Polygraph Examiners Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Livingston University Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Terry Bunn from Cottondale, Alabama to the Livingston University Board of Trustees replacing Drayton Pruitt. Mr. Bunn will be representing the seventh congressional district and his term will expire on December 27, 2003.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Livingston University Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Winton Wise from Livingston, Alabama to the Livingston University Board of Trustees. Mr. Wise will be representing the seventh congressional district and his term will expire on December 27, 2003.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, rel-

ative to a re-appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Livingston University Board of Trustees.

Respectfully submitted,
G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Leigh Pegues from Montgomery, Alabama to the Livingston University Board of Trustees. Mr. Pegues will be serving as an At Large member of the board and his term will expire on December 27, 2003.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

RESOLUTIONS

Senator Corbett offered the following Senate Joint Resolution, to-wit:

SJR 8. DECLARING THE LEGISLATIVE INTENT REGARDING THE PASSAGE OF ACT NO. 90-560.

WHEREAS, the Legislature passed Act No. 90-560 during the

1990 Regular Session of the Legislature; and

WHEREAS, Section 1 of the act entitled any circuit clerk, who was appointed to the office prior to the beginning of the term of office, to purchase prior service credit toward supernumerary status retroactively to the beginning of the term upon satisfying the conditions prescribed in Section 12-17-144, Code of Alabama 1975, for purchasing the prior service credit; and

WHEREAS, it was the intent of the Legislature in providing for a circuit clerk to purchase the prior service credit described in Act No. 90-560 that it would be understood that a register of a circuit court who was appointed to the office prior to the beginning of the term of office also would be entitled to purchase prior service credit toward supernumerary status retroactively to the beginning of the term upon satisfying the conditions prescribed in Section 12-17-144, Code of Alabama 1975, for purchasing the prior service credit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do declare and specify to any court or governmental agency interpreting Act No. 90-560, now codified in Section 12-17-144.1, Code of Alabama 1975, that it was the intent of the Legislature that by operation of the act, a register of a circuit court is entitled to purchase the prior service credit toward supernumerary status described in the act.

BE IT FURTHER RESOLVED, That any governmental agency or court shall receive this resolution as positive evidence of the legislative intent in passing Act No. 90-560.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole, Windom, Figures, and Lipscomb offered the following Senate Joint Resolution, to-wit:

SJR 9. COMMENDING MARGIE SUMLIN OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama most highly commends Margie Sumlin of Mobile, Alabama, on her recognition by President George Bush as a "Daily Point of Light" for her many significant contributions as a volunteer worker at Wilmer Hall Children's Home in Mobile, where she serves as special education coordinator; and

WHEREAS, the art therapy program for those children at Wilmer Hall who are unable to attend regular school was designed and implemented by Mrs. Sumlin who not only conducts classes in arts and

crafts, but also arranges for the students' work to be sold at church bazaars, and at the Wilmer Hall open house, with proceeds allocated to fund the program; and

WHEREAS, she also arranges and accompanies the children on special field trips to broaden their learning opportunities and to help provide them with a "social" life outside the home such as that experienced by normal teenagers; and

WHEREAS, Mrs. Sumlin is indeed a "Daily Point of Light" for the many children she has loved, tutored, and counseled as a dedicated and caring volunteer, whose tireless efforts have now been publicly recognized by President Bush; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding volunteer service to others, and as the recipient of the presidential "Daily Point of Light" award, we hereby most highly commend Mrs. Margie Sumlin of Mobile, Alabama, for whom a copy of this resolution of sincere appreciation and praise shall be provided.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Parsons, Horn, Bennett, Waggoner, and Amari offered the following Senate Joint Resolution, to-wit:

SJR 10. DESIGNATING THE ALABAMA THEATRE FOR THE PERFORMING ARTS AS THE STATE HISTORIC THEATRE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate The Alabama Theatre for the Performing Arts as the official State Historic Theatre for the State of Alabama, and do further authorize the proper officials to erect and maintain appropriate signs and markers that reflect this action of the Legislature.

On motion of Senator Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Livingston University Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Joe C. McCorquodale, Jr. from Jackson, Alabama to the Livingston University Board of Trustees. Mr. McCorquodale will be serving as an At Large member of the board and his term will expire on December 27, 1993.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to re-appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Livingston University Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. James Joiner from Florence, Alabama to the Livingston University Board of Trustees replacing Mollie Stewart. Mr. Joiner will be representing the fifth congressional district and his term will expire on December 27, 2003.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Institute for the Deaf and Blind Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Cedric Flowers from Tuscaloosa, Alabama to the Institute for the Deaf and Blind Board of Trustees replacing Roger Smith. Mr. Flowers will be

serving as an At Large member of this board and his term will expire on November 28, 1994.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Institute for the Deaf and Blind Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Institute for the Deaf and Blind Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Calvin Wooten from Anniston, Alabama to the Institute for the Deaf and Blind Board of Trustees. Mr. Wooten will be serving as an At Large member of the board and his term will expire on November 28, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Institute for the Deaf and Blind Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Institute for the Deaf and Blind Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mrs. Janet L. Rich Pittman from Mobile, Alabama to the Institute for the Deaf and Blind Board of Trustees replacing John Peavy. Mrs. Pittman will be representing the first congressional district and her term will expire on November 28, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, rel-

ative to an appointment to the Institute for the Deaf and Blind Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Institute for the Deaf and Blind Board of Trustees.

Respectfully submitted,
G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Billy Warren from Enterprise, Alabama to the Institute for the Deaf and Blind Board of Trustees replacing Mayor Jay Jackson. Mr. Warren will be representing the second congressional district and his term will expire on November 28, 1998.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Institute for the Deaf and Blind Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Institute for the Deaf and Blind Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Ray Robbins from Talladega, Alabama to the Institute for the Deaf and Blind Board of Trustees replacing Ralph Gaines. Mr. Robbins will be representing the third congressional district and his term will expire on November 28, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Institute for the Deaf and Blind Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Board of Human Resources.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mrs. Jeanne Weaver from Huntsville, Alabama to the Board of Human Resources replacing Ms. Libby Jones. Mrs. Weaver's term will expire on August 28, 1995.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Human Resources, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Forestry Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Guice Slawson

from Louisville, Alabama to the Forestry Commission replacing Jack Hopper. Mr. Slawson's term will expire on November 5, 1995.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Forestry Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Forestry Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Claude Swift from Monroeville, Alabama to the Forestry Commission. Mr. Swift's term will expire on November 5, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Forestry Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Forestry Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. John Goodson, Jr. from Brent, Alabama to the Forestry Commission. Mr. Goodson's term will expire on November 5, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Forestry Commission was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Foreign Trade Relations Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Edward White from Newville, Alabama to the Foreign Trade Relations Commission replacing Perry Hooper, Jr. Mr. White's term will expire on August 23, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Foreign Trade Relations Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Foreign Trade Relations Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Sam Darwin from Huntsville, Alabama to the Foreign Trade Relations Commission replacing Milborn Chesser. Mr. Darwin's term will expire on August 23, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Foreign Trade Relations Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Farmers' Market Authority.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Bedsole Mosely from Leroy, Alabama to the Farmers' Market Authority. Mr. Mosely will be representing the first congressional district and his term will expire on February 1, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Farmers' Market Authority.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. George

Kaiser from Foley, Alabama to the Farmers' Market Authority. Mr. Kaiser will be representing the first congressional district and his term will expire on February 1, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Farmers' Market Authority.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Mary Ann Sheppard from Shorter, Alabama to the Farmers' Market Authority replacing Earl Goodwin. Ms. Sheppard will be representing the second congressional district and her term will expire on February 1, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Farmers' Market Authority.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Jack Thompson from Athens, Alabama to the Farmers' Market Authority replacing Aaron Bailey. Mr. Thompson will be representing the fifth congressional district and his term will expire on February 1, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Environmental Management Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. W. David McGiffert from Tuscaloosa, Alabama to the Environmental Management Commission replacing Allen Craig Bryant, Sr. Mr. McGiffert's term will expire on September 30, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Environmental Management Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Environmental Management Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Joanne E. Boyd from Birmingham, Alabama to the Environmental Management Commission replacing Scott Davis. Ms. Boyd's term will expire on September 30, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Environmental Management Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Environmental Management Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Dr. Crampton Harris from Mobile, Alabama to the Environmental Management Commission replacing Dr. John H. Winston. Dr. Harris' term will expire on September 30, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Environmental Management Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Crime Victims Compensation Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Katherine B.

Romans from Huntsville, Alabama to the Crime Victims Compensation Commission replacing Miriam Shehane. Ms. Romans' term will expire on June 1, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Crime Victims Compensation Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Credit Union Board of the Credit Union Administration.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Sheila Brooks from Birmingham, Alabama to the Credit Union Board of the Credit Union Administration. Ms. Brooks will be replacing John Stephenson as a representative of the sixth congressional district and her term will expire on February 2, 1995.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Credit Union Board of the Credit Union Administration, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Credit Union Board of the Credit Union Administration.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Thomas Magruder, Jr. from Mobile, Alabama to the Credit Union Board of the Credit Union Administration. Mr. Magruder will serve as a representative of the first congressional district and his term will expire January 2, 1995.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, rel-

ative to a re-appointment to the Credit Union Board of the Credit Union Administration, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Credit Union Board of the Credit Union Administration.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. James G. Lankford from Tuscaloosa, Alabama to the Credit Union Board of the Credit Union Administration. Mr. Lankford will be serving as an At Large member and his term will expire on February 2, 1995.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Credit Union Board of the Credit Union Administration, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alcoholic Beverage Control Board.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mrs. Audrey C. Wright from Montgomery, Alabama to the Alcoholic Beverage Control Board. Mrs. Wright's term will expire in January of 1999.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Alcoholic Beverage Control Board.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Chester O. Stephens, Jr. from Selma, Alabama to the Alcoholic Beverage Control Board. Mr. Stephens' term will expire in January of 1999.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alcoholic Beverage Control Board.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Michael K. James from Anniston, Alabama to the Alcoholic Beverage Control Board. Mr. James' term will expire in January of 1999.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Trust Fund Board.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Winton M.

Blount, Jr. of Montgomery, Alabama to the Alabama Trust Fund Board. Mr. Blount's term will expire on October 1, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Trust Fund Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Trust Fund Board.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Foster Clark from Birmingham, Alabama to the Alabama Trust Fund Board replacing Thomas Rast. Mr. Clark's term will expire on October 1, 1994.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Trust Fund Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Commission on Higher Education.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ben Beard from Troy, Alabama to the Alabama Commission on Higher Education replacing Katie Espy. Mr. Beard will be representing the second congressional district and his term will expire on August 31, 2001.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Educa-

tion, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Chris McNair from Birmingham, Alabama to the Alabama Agricultural and Mechanical University Board of Trustees. Mr. McNair will represent the sixth congressional district and his term will expire on January 31, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Agricultural and Mechanical University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Alabama Agricultural and Mechanical University Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Dr. Jacob Savage from Huntsville, Alabama to the Alabama Agricultural and Mechanical University Board of Trustees. Dr. Savage will be replacing Mr. George Miller as a representative of the fifth congressional district and his term will expire on January 1, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Agricultural and Mechanical University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Betty Brady from LaFayette, Alabama to the Alabama Agricultural and Mechanical University Board of Trustees replacing Ms. Irmatine Bealyer as a representative of the third congressional district. Ms. Brady's term will expire on January 31, 1994.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Agricultural and Mechanical University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. G. W. Pon-

der, III from Cullman, Alabama to the Alabama Agricultural and Mechanical University Board of Trustees replacing Mr. Waymon Sherrer as a representative of the fourth congressional district. Mr. Ponder's term will expire on January 31, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Agricultural and Mechanical University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Agricultural and Mechanical University Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Dr. Oscar Tucker from Montgomery, Alabama to the Alabama Agricultural and Mechanical University Board of Trustees. Dr. Tucker will be representing the seventh congressional district and his term will expire on January 31, 1998.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Alabama Agricultural and Mechanical University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Assistant Adjutant General for Air Headquarters, Alabama Air National Guard.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have promoted, subject to your confirmation, Colonel Emmett L. McCutchin from Montgomery, Alabama to the grade of Brigadier General as the Assistant Adjutant General for Air Headquarters, Alabama Air National Guard.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, rel-

ative to a promotion to the grade of Brigadier General as Assistant Adjutant General for Air Headquarters, Alabama Air National Guard, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Adjutant General of the State of Alabama.

Respectfully submitted,
G. DENNIS NABORS,
Chief of Staff.

Done this 2nd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Major General James E. Moore from Florence, Alabama as the Adjutant General of the State of Alabama.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 2nd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to Adjutant General of the State of Alabama, was read and referred to the Standing Committee on Confirmations.

**COMMUNICATION FROM THE COMMISSION
ON HIGHER EDUCATION**

December 8, 1992

TO THE LADY AND GENTLEMEN OF THE ALABAMA SENATE:

I am pleased to inform you that at its regular meeting on Decem-

ber 7, 1992 held at Governor's House Hotel and Conference Center, Montgomery, Alabama, the Alabama Commission on Higher Education unanimously voted to continue the appointment of Dr. Henry J. Hector as its executive director.

Pursuant to Section 16-5-4(d) CODE OF ALABAMA, 1975 (as amended), we Commissioners respectfully request that you confirm the re-appointment of Dr. Henry J. Hector as executive director of the Alabama Commission on Higher Education by appropriate Senate rules and procedure.

Sincerely,

BORDEN MORROW,
Chairman.

COMMUNICATION RECEIVED

The foregoing Communication from the Commission on Higher Education, relative to a re-appointment as executive director, was read and referred to the Standing Committee on Confirmations.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 90-674, the report of the Alabama Juvenile Justice Coordinating Council was filed with the Secretary.

NOTICE IN WRITING

Senator Hale offered the following Notice in Writing, to-wit:

NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules as follows:

Amend Senate Rule 67 to read as follows:

Rule 67. On the signing of bills or resolutions, the Secretary shall make the journal read:

"SIGNING OF BILLS (OR RESOLUTIONS)

"The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills (or resolutions), the titles of which are

set out in the foregoing (Message) from the House, or Report from the Committee on Rules as the case may be."

Which was read and ordered filed with the Secretary.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Parsons (With Notice and Proof):

S. 28. To amend Act No. 929, S. 676, 1951 Regular Session, as amended, which created a Retirement and Relief System for officers and employees of the City of Birmingham, so as to provide benefits for surviving spouses of participants of the Supplemental Pension System and to provide for retroactive effect.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 28, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bennett (With Notice and Proof):

S. 29. Relating to Jefferson County; providing for an additional expense allowance for the county treasurer.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 29, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bennett (With Notice and Proof):

S. 30. To open the General Retirement System for Employees of Jefferson County for certain active and contributing members of the system to claim and purchase military service credit in the system.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 30, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bennett (With Notice and Proof):

S. 31. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Midfield in Jefferson County.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 31, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Waggoner and Bennett (With Notice and Proof):

S. 32. Relating to Jefferson County; to provide that each Commissioner of the Jefferson County Commission shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out official duties as a commissioner, or a certain expense allowance as reimbursement for the commissioners' use of a personal vehicle and fuel, oil, and repairs for official duties.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 32, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Horn:

S. 33. To make an appropriation from the State General Fund for the relief of Freddie Lee Gaines of Jefferson County wrongfully convicted of murder and incarcerated for thirteen years.

Committee on Finance
and Taxation

By Senator Horn:

S. 34. To make a supplemental appropriation to the Alabama

Department of Economic and Community Affairs in the amount of five hundred seventy-five thousand dollars (\$575,000) for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

By Senator Horn:

S. 35. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 36. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 37. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 38. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1994, for educational purposes.

Committee on Finance
and Taxation

By Senator Horn:

S. 39. To make an appropriation from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 40. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1994, for educational purposes.

Committee on Finance
and Taxation

By Senator Horn:

S. 41. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1994 and, to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 42. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 43. To make an appropriation for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 44. To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 45. To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September

30, 1994, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 46. To make an appropriation from the Alabama Special Educational Trust Fund to Miles College for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 47. To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 48. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 49. To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 50. To make an appropriation from the Alabama Special

Educational Trust Fund to the AIDS Task Force of Alabama, Incorporated for the fiscal year ending September 30, 1994 for programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

Committee on Finance
and Taxation

By Senator Horn:

S. 51. To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year Program for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 52. To make an appropriation from the State General Fund to the America's Young Woman of the Year Program for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 53. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 54. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 55. To make an appropriation from the Alabama Special Educational Trust Fund to the Bevill Center for Advanced Manufacturing Technology in Gadsden, Alabama for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 56. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 57. To make an appropriation from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 58. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 59. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc.,

the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., and the United Cerebral Palsy of Mobile for the year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 60. To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 61. To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1994, and to require operations plans and audited financial statements prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 62. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 63. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 64. To make an appropriation from the State General Fund to the Civil Air Patrol, Alabama Wing for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 65. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 66. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 67. To make an appropriation from the Alabama Special Educational Trust Fund to Constitution Hall Village at Huntsville, Alabama for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 68. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School, for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 69. To make an appropriation to the Project DARE and the DON'T - Madison County drug education programs for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 70. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center, for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 71. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 72. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 73. To make an appropriation from the Alabama Special Educational Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 74. To make an appropriation from the Alabama Special Educational Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 75. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1994, and to require an audited financial statement and operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 76. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 77. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 78. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 79. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 80. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 81. To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 82. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 83. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 84. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 85. To make an appropriation for the support and maintenance of the Sickle Cell Education Program for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 86. To make an appropriation from the Alabama Special Educational Trust Fund to the Cleveland Avenue YMCA for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 87. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Sports Festival for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 88. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 89. To make an appropriation for the payment of interest due the Federal government as computed in accordance with the provisions of the Cash Management Improvement Act of 1990, Public Law 101-453 and authorize the director of finance to provide the necessary administration to ensure full compliance with all the provisions of Public Law 101-453.

Committee on Finance
and Taxation

By Senator Lindsey:

S. 90. Amending Sections 29-1-12, 29-1-13, and 41-4-150, Code of Alabama 1975, providing for the time period for the preparation, delivery, and distribution of the journals of the House of Representatives and the Senate.

Committee on Rules

By Senator Langford:

S. 91. To amend Section 41-4-113 of the Code of Alabama 1975, relating to procedures for purchase of materials and supplies by state departments.

Committee on Governmental
Affairs/State Administration

By Senators deGraffenried and Little:

S. 92. To provide for the regulation and licensure of geologists; to provide for the Alabama Board of Licensure for Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

Committee on Energy and
Natural Resources

By Senator deGraffenried:

S. 93. To provide for the effect of reliance by creditors on a written opinion, regulation, or similar notice of the Superintendent of Banks as administrator of Chapter 19, Title 5, Code of Alabama 1975.

Committee on Banking
and Insurance

By Senator deGraffenried:

S. 94. To amend Section 16-28-12 of the Code of Alabama 1975, relating to the responsibility of a parent, guardian, or person in charge of a child to ensure that the child enrolls and attends school and conducts himself or herself properly as a pupil; to require principals and superintendents to report suspected violations to the district attorney, to provide criminal penalties for failure to report, and to require district attorneys to vigorously enforce the law; to require local boards of education to establish programs to inform parents of school children of their education-related responsibilities to their children.

Committee on Public Welfare

By Senator deGraffenried:

S. 95. Requiring the Alabama Commission on Higher Education to establish a statewide steering committee to improve participation in two-year and four-year postsecondary education and prescribing the duties of the committee; requiring the commission to enter into a contract to establish a center to provide communications regarding postsecondary education; and permitting the commission to seek supplemental funding.

Committee on Public Welfare

By Senator deGraffenried:

S. 96. To amend Section 9 of Act No. 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.3, Code of Alabama 1975, to require certain 10th grade students to enter a vocational or technical curriculum, unless the parent or guardian objects; and to provide for the competency measurement level of the Alabama High School Graduation Exam.

Committee on Public Welfare

By Senator deGraffenried:

S. 97. To require local boards of education to provide to certain students instruction in parental responsibility, the importance of an education, and how to study.

Committee on Public Welfare

By Senator deGraffenried:

S. 98. To amend Section 8 of Act 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.2, Code of Alabama 1975, to

require local boards of education to establish voluntary tutorial programs.

Committee on Public Welfare

By Senator deGraffenried:

S. 99. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as originally contained in the 1991 Cumulative Supplement to certain volumes of the Code and carried forward into the 1992 Cumulative Supplement, and as contained in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A, and to make corrections in certain volumes of the 1992 Cumulative Supplement, as brought from the 1991 Cumulative Supplement, and in the 1991 Replacement Volume 18; and to adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 First Special and Regular Sessions of the Legislature, as contained in the 1992 Cumulative Supplement to certain volumes of the Code and in the 1992 Replacement Volumes 9, 15, 15A, and 20 of the Code, and to make corrections in certain volumes of the 1992 Cumulative Supplement and the 1992 Replacement Volume 15.

Committee on Judiciary/Civil

By Senator deGraffenried:

S. 100. Authorizing the owner of goods for sale to bring a civil action to recover damages from any person who commits or attempts to commit a theft of the goods and specifying the damages therefor; and providing for a delayed effective date.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Floyd:

S. 101. Proposing an amendment to Section 46 of the Constitution of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Owens:

S. 102. Relating to the offense of driving under the influence of alcohol and drugs; to amend Sections 32-5A-191 and 32-5A-194, Code of Alabama 1975, to reduce the blood alcohol level necessary to create the presumption of driving under the influence; to require the Director of the Department of Public Safety to suspend the driver's license or permit of any person the department determines was driving or in actual control of a motor vehicle with a blood alcohol level of 0.08 percent or more or who refused to take the blood alcohol test required under existing law; to provide for the due process procedural requirements and to exempt certain proceedings from the Alabama Administrative Procedure Act; and to provide an effective date.

Committee on Judiciary/Civil

By Senator Floyd:

S. 103. Relating to Etowah County; proposing a constitutional amendment to the Constitution of Alabama of 1901, authorizing the Etowah County Commission to levy an additional surcharge in cases in which the circuit courts, district courts, or municipal courts of Etowah County impose a fine for any offense or violation of a criminal law, a traffic law, or any ordinance of a political subdivision of Etowah County; and providing for the distribution of the revenues derived from the additional surcharge.

Committee on Local
Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

By Senator Floyd:

S. 104. Relating to Etowah County; proposing an amendment to the Constitution of Alabama of 1901, to authorize the Etowah County Commission to levy additional costs and fees on certain civil and criminal cases in the county and to provide for the distribution of the funds collected.

Committee on Local
Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

By Senator Floyd:

S. 105. Relating to juries and jury duty; to give prospective

jurors over 70 years of age an election not to serve as a juror; and to give persons over 70 years of age the election to be permanently excused from jury duty.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Floyd:

S. 106. To provide for the circuit clerk of each county to charge a specified fee for criminal history reports requested by private companies or corporations and to provide that the proceeds collected be deposited in a special fund for office expenses by the circuit clerk of the county.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Floyd:

S. 107. To permit the Department of Corrections and the Board of Pardons and Paroles to perform certain investigations and procedures in domestic violence and related cases.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Floyd:

S. 108. To provide for the offenses of carrying firearms or other weapons on school premises or while being transported to or from school or a school-related activity on transportation provided by the school; and to prescribe penalties.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Floyd:

S. 109. To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Smith (J):

S. 110. To amend Section 32-6-150, Code of Alabama 1975,

providing for commemorative motor vehicle license plates, to provide that veterans awarded the Purple Heart for being wounded in action may receive a commemorative motor vehicle license plate without the payment of an additional fee.

Committee on Governmental
Affairs/State Administration

By Senators deGraffenried, Windom, Little, Corbett, Smith (J),
Campbell, and Barron:

S. 111. To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

Committee on Rules

By Senator Horn:

S. 112. To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

Committee on Rules

By Senator deGraffenried:

S. 113. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as originally contained in the 1991 Cumulative Supplement to certain volumes of the Code and carried forward into the 1992 Cumulative Supplement, and as contained in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A, and to make corrections in certain volumes of the 1992 Cumulative Supplement, as brought from the 1991 Cumulative Supplement, and in the 1991 Replacement Volume 18; and to adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 First Special and Regular Sessions of the Legislature, as contained in the 1992 Cumulative Supplement to certain volumes of the Code and in the 1992 Replacement Volumes 9, 15, 15A, and 20 of the Code, and to make corrections in certain volumes of the 1992 Cumulative Supplement and the 1992 Replacement Volume 15.

Committee on Constitution
and Elections

By Senator Dial:

S. 114. To establish a statewide program for solid waste management to be coordinated by the Department of Environmental Manage-

ment; to amend Sections 22-27-1 to 22-27-3, inclusive, Sections 22-27-5, and 22-27-48, Code of Alabama 1975, and to repeal Sections 22-27-4, 22-27-6, and 22-27-7, Code of Alabama 1975, relating to solid waste disposal and local approval of solid waste management facilities; to provide for local programs of solid waste management and to control unauthorized dumping; to authorize fees for management of out-of-state solid waste; to establish a Recycling Market Development Council and minimum standards for solid waste reduction, minimization, and recycling; to create a program of local grants for recycling; to provide for penalties and other enforcement remedies for violations; and to clarify requirements of local approval.

Committee on Commerce,
Transportation, and Utilities

By Senator Hale:

S. 115. To create a scrap tire program administered by the Alabama Department of Public Health; to create a recycling fund for the processing and shredding of scrap motor vehicle tires to be funded by fees on the sale of new tires and civil penalties; to provide penalties for certain violations; and to provide an effective date.

Committee on Commerce,
Transportation, and Utilities

By Senator deGraffenried:

S. 116. Prescribing additional standards and restrictions for governing boards of educational institutions and funds to use for guidance in investing and managing educational trust funds and providing for the releasing of restrictions on the use of certain funds or the selection of investments for certain funds through donor acquiescence or court action.

Committee on Banking
and Insurance

By Senator Corbett:

S. 117. To amend Section 37-1-37 of the Code of Alabama 1975, to provide for the regulation of the safety and operation of any logging or private railroad that crosses a public road.

Committee on Commerce,
Transportation, and Utilities

By Senator Bedsole:

S. 118. To prohibit local governments from passing ordinances regulating pesticides.

Committee on Agriculture,
Conservation, and Forestry

By Senators Amari, Bennett, Lipscomb, Campbell, Windom, Foshee, Ellis, Smith (J), Denton, Floyd, and Lindsey:

S. 119. To authorize the state to pay the tuition of any needy, qualified student pursuing a baccalaureate degree at any state junior college, state college, or state university; to provide for the administration of the tuition assistance plan by the Alabama Commission on Higher Education; and to provide for funding the plan.

Committee on Education

By Senator Smith (J):

S. 120. To prohibit any person from willfully or knowingly preventing, obstructing, impeding, disturbing, or interfering or the attempt to prevent, obstruct, impede, disturb or interfere or attempt to prevent, obstruct, impede, disturb or interfere with any person legally hunting, trapping, or fishing in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama; to provide for misdemeanor penalties for violating this act.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Bedsole:

S. 121. To amend Section 32-6-150 of the Code of Alabama 1975, relating to the issuance and sale of commemorative license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

Committee on Consumer Affairs

By Senator Bailey:

S. 122. To mandate conversion rights for an employee, a member, or their dependents under a group policy delivered or issued for delivery in this state which provides hospital, surgical, major medical expense insurance, or a combination thereof, when the employee or member dies or when the group insurance of the employee, member, or a dependent terminates for reasons other than the following: (a) nonpayment of required contributions or (b) replacement of discontinued group coverage with similar group coverage within 31 days; to prescribe certain minimum benefit levels and the scope of coverage contained within the converted policy; to allow for termination of coverage under the converted policy due to an insured becoming eligible for Medicare coverage or coverage pursuant to another group policy or plan; and to

allow for optional group coverage in lieu of the issuance of a converted individual policy.

Committee on Banking
and Insurance

By Senator Bailey:

S. 123. To amend Section 28-3A-25, Code of Alabama 1975, to provide further for unlawful acts, offenses, and penalties affecting certain persons under the alcoholic beverage licensing code.

Committee on Judiciary/Civil

By Senator Bedsole:

S. 124. To create the Respiratory Care Act to provide for the regulation and licensing of persons administering respiratory care; to provide for the powers, duties, and responsibilities of the Alabama State Board of Respiratory Care; to create a special fund for receipts collected by the board and the administration of the fund; to make appropriations from the Alabama State Board of Respiratory Care Fund to the Alabama State Board of Respiratory Care; and to provide for prohibited acts and penalties.

Committee on Health

By Senator Bedsole:

S. 125. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain benefits within a spousal estate when the court determines an allowance upon the grant of a divorce.

Committee on Judiciary/Civil

By Senator Horn (With Notice and Proof):

S. 126. To amend Section 11-52-3 of the Code of Alabama 1975, to provide further for the compensation for meetings attended by the appointed members of the planning commission of Class 1 municipalities, who are neither elected officials nor employees of the municipality; and to provide an effective date of the act.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB

126, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedsole:

S. 127. Relating to hospitals providing hospital services to state inmates of the Department of Corrections; to require hospitals receiving federal, state, or local governmental funding to provide those services on the same cost schedule as is charged for Medicaid patients receiving the same or similar hospital services.

Committee on Health

By Senator deGraffenried:

S. 128. Relating to alcoholic beverages; and to be known as the Alabama Alcoholic Beverage Control Code; to provide for an Alcoholic Beverage Control Board; to regulate and control transactions in alcoholic beverages which take place in Alabama and to prohibit such transactions except by and under the control of the board; to restrict the effect of the code to wet counties, wet municipalities, and wet community development districts; to provide for the administration, functions, powers and regulations of, and for receipt, disposition, and use of profits of the board; to provide for the appointment, term of office, suspension, removal, compensation, costs, and expenses of such board and its members, officers, agents, and employees, and its administrator; to provide for the management and operation of and sales by state liquor stores; to provide for and fund an inventory fund for the board; to create a cost of evidence fund and provide for use thereof; to authorize licensing to engage in alcoholic beverage transactions, and provide for regulation for, issuance and renewal of, and regulation of the grant of licenses; to impose and levy state, and authorize and limit county and municipal, filing and license fees for engaging in manufacture, import, warehousing, wholesale or retail sale of or transactions in alcoholic beverages; to proscribe unlawful acts and offenses and provide for punishment therefor; to prescribe penalties for any violation of the code or any rule or regulation promulgated by the board and to provide punishment and alternate punishment therefor, including suspension or revocation of licenses and fines against licensees; to provide for non-taxable sales; to provide for refund on overpayment or erroneous payment on taxes and licenses to the board or any county or municipality; to provide penalties for failure to pay taxes collected and for execution for unpaid taxes and penalties; to provide for identification of certain alcoholic beverages and penalties for possession of unidentified alcoholic beverages and for counterfeiting or the reuse of Alabama identification; to provide for licensee reports, records, and inspections; to

provide for confiscation of unidentified alcoholic beverages and vehicles used for transportation of unidentified alcoholic beverages and for the procedure for confiscation; to provide for an election to determine classification of a county as wet or dry county; to provide for special method referendum to determine classification of a county as a wet or dry county and to impose conditions governing sales under special method; to provide for a municipal option election to determine the classification of municipalities as wet or dry municipalities; to provide for the separation of business interests and exclusive sales territories; to provide for regulation of advertising alcoholic beverages; to define terms and to establish a legal drinking age; to repeal Chapters 1, 2, 2A, 3A, 6, and 8, and Chapter 3 except Sections 28-3-184, 28-3-190, 28-3-200 through 205, inclusive, 28-3-280, 28-3-281, and 28-3-284, and Chapter 7, except Section 28-7-16, Title 28, Code of Alabama 1975, as amended, and all other conflicting or inconsistent laws or parts of laws, but shall not repeal or amend Title 28, Chapter 9 or Chapter 10, and shall not repeal Sections 6-5-70, 6-5-71, Code of Alabama 1975, as amended, Act No. 90-177, Act No. 91-604, or Act No. 92-532; to amend Title 28, Chapter 4, Code of Alabama 1975, to make the same consistent with the provisions of this code; and to provide that the code shall become effective on October 1, 1993.

Committee on Public Welfare

By Senator Windom (With Notice and Proof):

S. 129. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Dauphin Island in Mobile County.

Committee on Local
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 129, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Windom:

S. 130. To amend Sections 22-25-1, 22-25-2, 22-25-7, 22-25-9, 22-25-11, 22-25-12, 22-25-14, and 22-25-15, Code of Alabama 1975, relating to the regulation of water and wastewater systems and treatment plants; to permit the Department of Environmental Management to also regulate public wastewater collection systems; to provide for operator certification; and to relieve the appropriate district attorney of certain enforcement duties.

Committee on Commerce,
Transportation, and Utilities

By Senator Bedsole:

S. 131. To amend Section 34-2-37, Code of Alabama 1975, relating to the practice of architecture by a corporation, professional corporation, or professional association by deleting the requirement that all officers and shareholders be architects and professional engineers registered under the laws of Alabama.

Committee on Small Business

By Senator Bedsole:

S. 132. Relating to laboratories performing analyses of water other than drinking water; to require that laboratories performing those analyses be certified by the Alabama Department of Environmental Management; to establish a certification program; to authorize the adoption of certification fees; to require the department to accept only analyses performed by certified laboratories; and to make the act effective January 1, 1994.

Committee on Health

By Senators Dixon, Waggoner, Lipscomb, Ellis, Hill, Bedsole, Bailey, Floyd, Owens, Hale, Bolling, Amari, and Windom:

S. 133. Proposing an amendment to Section 46 of the Constitution of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senators Dixon, Bolling, Barron, Bedsole, Ellis, Dial, and Hill:

S. 134. To provide a voluntary checkoff designation on state income tax returns for contributions to the Alabama Ethics Commission.

Committee on Finance
and Taxation

By Senator Bedsole:

S. 135. Amending Section 41-9-721, Code of Alabama 1975, to

provide further for the terms of members of the board of the Alabama Aviation Hall of Fame.

Committee on Governmental
Affairs/State Administration

By Senator Figures:

S. 136. To amend Sections 3, 5, 7, 8, 10, 12, and 13 of Act No. 91-659 of the 1991 Regular Session, appearing as Sections 24-8-3, 24-8-5, 24-8-7, 24-8-8, 24-8-10, and 24-8-12, Code of Alabama 1975, relating to the Alabama Fair Housing Law, to provide further for fair housing.

Committee on Banking
and Insurance

By Senator Bedsole:

S. 137. To amend Section 36-21-40 of the Code of Alabama 1975, relating to certain definitions applicable to the Peace Officers' Standards and Training Commission, to provide further for the definition of "law enforcement officer."

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Mitchell:

S. 138. To amend the title and Section 2 of Act 92-677, H. 29, 1992 Second Special Session, to provide further for the use and dissemination of data maintained in the state judicial information system; to provide for the recoupment of costs for accessing and using the judicial information system and for printing, publication, and distribution of court forms, manuals, pamphlets, and informational materials supplied to individuals, corporations, partnerships, and governmental agencies and departments which are not part of the unified judicial system; and to provide that the proceeds collected from the recoupment of costs shall be deposited in the Court Automation Fund.

Committee on Governmental
Affairs/State Administration

By Senator Corbett:

S. 139. To permit members of the Teachers' Retirement System to purchase up to four years' credit for service as a student employee on work-study at a four-year institution of higher learning which receives

state funds for a period of two years from the effective date of this act.

Committee on Finance
and Taxation

By Senators Dial, Little, Mitchem, Hale, Bailey, Bedsole, Amari, Barron, Dixon, Denton, Lindsey, Owens, Mitchell, Floyd, deGraffenried, Parsons, Bennett, Lipscomb, Foshee, Ellis, Langford, Smith (B), Bolling, Horn, Campbell, Smith (J), Waggoner, Hill, and Figures:

S. 140. To amend Section 41-23-1, Code of Alabama 1975, to establish and specify the powers and duties of the Office of Water Resources as a division of the Department of Economic and Community Affairs; establish the Alabama Water Resources Commission and authorize the commission to promulgate rules and regulations for the Office of Water Resources; and authorize civil penalties for violations.

Committee on Industrial
Development and Expansion

By Senator Mitchell:

S. 141. To allow certain appellate judges to purchase credit for active military service up to four years of creditable service in the Judicial Retirement System.

Committee on Governmental
Affairs/State Administration

By Senator Parsons:

S. 142. To provide for the offense of giving a false name or address to a law enforcement officer; and to provide penalties.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senators Parsons, Amari, Hale, Denton, Lindsey, deGraffenried, Windom, Floyd, Horn, Bolling, Wilson, Bailey, Bedsole, Bennett, Campbell, Little, and Foshee:

S. 143. Providing for an election for a constitutional convention to revise and amend the Constitution of Alabama of 1901.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Windom:

S. 144. To provide for mandatory premium reductions for motor vehicle insurance for persons 55 years of age or older for completion of accident prevention courses under certain conditions.

Committee on Banking
and Insurance

By Senator Windom:

S. 145. To provide for forfeiture of a motor vehicle driven or operated by a person with a suspended or revoked driver's license as a result of a conviction for driving a vehicle while under the influence of alcohol or a controlled substance, and to establish a procedure for forfeiture.

Committee on Judiciary/Civil

By Senators Denton and Bedsole:

S. 146. To create the Cultural Resources Permanent Legislative Oversight Committee.

Committee on Governmental
Affairs/Local Government

By Senator Lindsey:

S. 147. Relating to health insurance policies issued in this state that include pregnancy-related benefits; to require coverage for assisted reproductive technology and other infertility treatment as part of the pregnancy-related benefits.

Committee on Banking
and Insurance

By Senator Lindsey:

S. 148. To amend Section 9-13-82, Code of Alabama 1975, relating to forest products privilege and severance taxes.

Committee on Finance
and Taxation

By Senator Windom:

S. 149. To amend Section 16-45-4, Code of Alabama 1975, re-

lating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of a member institution to designate an officer or employee of the institution to serve on the board.

Committee on Governmental
Affairs/State Administration

By Senator Lindsey:

S. 150. Relating to the annual licensing and bonding of businesses, individuals, firms, associations, partnerships, companies, or corporations engaged in the business of recovering or assisting in the recovery of lost or unclaimed property under the Uniform Disposition of Unclaimed Property Act, or any other property or outstanding obligation, whether or not monetary in nature; and providing for requirements for qualification of licensing; providing for penalties for violations; providing for rulemaking authority; and providing for the distribution of fees.

Committee on Judiciary/Civil

By Senator Lindsey:

S. 151. Relating to the annual licensing and bonding of businesses, individuals, firms, associations, partnerships, companies, or corporations engaged in the business of recovering or assisting in the recovery of lost or unclaimed property under the Uniform Disposition of Unclaimed Property Act, or any other property or outstanding obligation, whether or not monetary in nature; and providing for requirements for qualification of licensing; providing for penalties for violations; providing for rulemaking authority; and providing for the distribution of fees.

Committee on Judiciary/Civil

By Senator Lindsey:

S. 152. To clarify, define, and re-affirm the sovereign relationship between the State of Alabama and the Choctaw Indians.

Committee on Economic Affairs

By Senator Horn (With Notice and Proof):

S. 153. To authorize Class I municipalities and their agencies, which are governed by boards with their members appointed by officials of the municipality, to accept bids made by responsible resident bidders which are no more than five percent greater than the lowest responsible bid.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB

153, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Mitchem and Bailey:

S. 154. To authorize county and municipal corporations to allow individuals, civic groups, or community service organizations to maintain abandoned cemeteries and to authorize municipal corporations and counties to remove or cut weeds growing on abandoned cemeteries.

Committee on Governmental
Affairs/Local Government

By Senator Waggoner:

S. 155. To establish a program to provide early intervention services for infants and toddlers with disabilities and their families.

Committee on Governmental
Affairs/State Administration

By Senator Denton:

S. 156. To amend Section 11-6-23, Code of Alabama 1975, relating to the state Highway Department's participation in the salary of county engineer trainees.

Committee on Governmental
Affairs/Local Government

By Senator Foshee:

S. 157. To amend Section 11-6-23, Code of Alabama 1975, relating to the state Highway Department's participation in the salary of county engineer trainees.

Committee on Governmental
Affairs/Local Government

By Senators Foshee and Windom:

S. 158. To amend Section 36-15-60, Code of Alabama 1975, to provide for investigators for the office of the Attorney General.

Committee on Economic Affairs

By Senator Dial:

S. 159. To amend Section 27-19-57, Code of Alabama 1975, relating to the notice of right to return a Medicare supplement insurance policy, to change the number of days that certain applicants have to return a policy.

Committee on Banking
and Insurance

By Senator Dial:

S. 160. Providing certain educational assistance benefits for certain active members of the Alabama National Guard.

Committee on Finance
and Taxation

By Senator Bolling:

S. 161. To exempt the Weldy Home for Children, Inc., from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance
and Taxation

By Senators Amari, Parsons, and Wilson:

S. 162. Revising the application of the Abandoned Mine Reclamation Act by amending Sections 9-16-121 and 9-16-124 of the Code of Alabama 1975.

Committee on Energy and
Natural Resources

By Senator Bennett (With Notice and Proof):

S. 163. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief, and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as amended, to make legislative findings, to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of 70 percent of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's

disability application; and to set an effective date.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 163, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bennett:

S. 164. To amend Sections 22-23-32, 22-23-37, 22-23-40, 22-23-41, 22-23-44, 22-23-47, and 22-23-49 of the Code of Alabama 1975, relating to water suppliers and safe drinking water, to delete certain department consulting requirements; to require water suppliers to notify customers in certain instances; to exempt from certain permitting requirements ground water investigations, exploratory drillings, test wells, or pilot plant studies; to provide for the permitting process; to prohibit the introduction of certain substances and matters into a water supply and to prescribe criminal penalties for violations of the prohibition; and to permit the department to establish certain laboratory certification procedures.

Committee on Commerce,
Transportation, and Utilities

By Senator Smith (B):

S. 165. To authorize and provide for the incorporation by one or more counties or municipalities in the State of one or more federal building authorities as public corporations whose corporate purpose shall be to acquire real and personal property of every description within or without the boundaries of such counties or municipalities, for lease to the United States of America, its departments, agencies, and instrumentalities; to provide for the making, filing, recording and amendment of the Certificate of Incorporation of such authority; to provide for the government of such authority by a board of directors and for the election, appointment, terms, compensation, and removal of the members of such board of directors, and to provide for the holding of regular, special, or other meetings of such board of directors; to provide for the officers of such authority; to provide the general powers of such authority and its board of directors; to authorize such authority to exercise the same power of eminent domain as that appertaining to its authorizing subdivision or subdivisions; to authorize each authorizing subdivision of such authority to lend, donate, or otherwise contribute money to, or perform services for the benefit of, such authority, to

donate, convey, transfer or grant to such authority any property of any kind and to enter into contractual agreements with such authority and with other authorizing subdivisions obligating such authorizing subdivision to lend, donate, or otherwise contribute money to, to perform services for the benefit of, and to otherwise provide financial support for, such authority; to authorize the authorizing subdivision or subdivisions of such authority to borrow money to provide financial assistance to such authority; to empower such authority to borrow money and to issue and sell interest-bearing securities and refunding securities, and to provide for the terms and conditions of the sale of such securities; to provide for the source of payment of and the security for such securities and for the use of proceeds of such securities; to provide that such securities may be secured by a foreclosable mortgage on any properties or assets of such authority; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge made by such authority; to provide that such securities and other contracts entered into by such authority shall not constitute or create a debt of the State or any political subdivision thereof; to authorize the investment of certain funds of such authority; to exempt such authority from all laws of the State governing usury or proscribing or limiting interest rates; to provide that the publication of notice of the adoption of a resolution authorizing the issuance of securities by any such authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such securities or any instrument securing the same; to authorize such authority to make expenditures that would be considered ordinary and necessary expenses of such authority under state income tax law, subject to certain exceptions; to authorize investment by certain persons, corporations, and political subdivision in the securities of such authority; to exempt each such authority and the property, income, securities, and certain conveyances and documents thereof from all taxation by the State or any political subdivision thereof; to exempt the gross proceeds of sales of property used in the construction of projects for an authority from all sales and similar excise taxes in the State, and to exempt such property from all use and similar excise taxes in the State; to exempt each such authority, together with the officers, employees, and members of the board of directors thereof, from certain laws pertaining to competitive bidding; to apply to such authority certain provisions of the Code, as amended, pertaining to tort claims and judgements against local governmental entities; and to provide for the disposition of the earnings of any such authority, its dissolution, and the disposition thereupon of its assets and property.

Committee on Public Welfare

By Senator Bailey:

S. 166. To amend Section 36-29-14, Code of Alabama 1975, to

authorize certain persons who administer funds for area agencies on aging under the Older Americans Act to participate in the State Employees' Health Insurance Plan.

Committee on Governmental
Affairs/Local Government

By Senator Foshee:

S. 167. To authorize the director of finance to establish by October 1, 1993, a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, which currently make the board of adjustment the exclusive remedy for state employees who are injured while at work.

Committee on Governmental
Affairs/State Administration

By Senator Foshee:

S. 168. To require that a tax stamp be placed on each bail bond issued and to provide for the sale, collection, and distribution of the proceeds.

Committee on Finance
and Taxation

By Senators Mitchem and Bailey:

S. 169. To amend Section 4 of Act No. 91-255, H. 72, 1991 Regular Session (Acts of Alabama 1991, p. 485), now appearing as Section 32-5B-4 of the Code of Alabama 1975, requiring the front seat occupants of a passenger car to wear a safety belt under certain conditions, to further provide an exception for a meter reader of a utility.

Committee on Commerce,
Transportation, and Utilities

By Senator Mitchem:

S. 170. To provide that certain full-time employees and executive officers of the Alabama State Special Olympics, Inc., may elect to become members of the Teachers' Retirement System of Alabama; to provide that the entity and its employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state; and to provide for the purchase of certain previous service credit in the system retroactively.

Committee on Governmental
Affairs/State Administration

By Senator Mitchem:

S. 171. To amend Sections 22-5-2, 22-5-4, 22-5-5, and 22-5-6 of the Code of Alabama 1975, relating to the Commission on Physical Fitness; to further provide for the name, powers, meetings, and responsibilities of the Commission on Physical Fitness; to include the support, sponsorship, and co-sponsorship of sports events by the Commission; to include, except for the next executive director and successors, the present employees of the commission under the merit system; to provide for a management coordinator for the commission; and to provide for the effective date.

Committee on Governmental
Affairs/State Administration

By Senator Mitchem:

S. 172. To amend Section 11-52-77 of the Code of Alabama 1975, relating to notice concerning proposed municipal zoning ordinances; to further provide for personal notice to property owners by certified mail in the event an ordinance proposes to rezone property from agricultural use to residential or commercial use.

Committee on Governmental
Affairs/Local Government

By Senator Lindsey:

S. 173. To further provide for the escheat of unclaimed funds of inmates of the Department of Corrections; and to provide for the continuing appropriation of the escheated funds for the operation of the Department.

Committee on Judiciary/Civil

By Senator Bailey:

S. 174. To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

Committee on Agriculture,
Conservation, and Forestry

By Senator Lindsey:

S. 175. To amend Sections 16-8-10 and 16-11-18, Code of Ala-

bama 1975, relating to written policies of county and city boards of education to require the written policies be made available to all persons affected and employed by the board.

Committee on Education

By Senator Figures:

S. 176. To amend Section 12-17-40, Code of Alabama 1975, relating to supernumerary circuit judges, so as to provide further for the individuals who may qualify as supernumerary circuit judges.

Committee on Finance
and Taxation

By Senator Ellis:

S. 177. To amend Sections 12-15-1, 12-15-33, 12-15-65, and 12-15-71, Code of Alabama 1975, relating to the Juvenile Justice Act to provide further for the multiple needs child; to provide for the transfer of certain cases to the juvenile court from other courts; to provide for the proceeding to allow withdrawal from school; to create the Alabama Children's Services Facilitation Team and a county children's services facilitation team in each county; to create the State Multiple Needs Children Fund; and to make appropriations from the State General Fund and the Alabama Special Educational Trust Fund to the State Multiple Needs Children Fund.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Langford:

S. 178. To provide for the automatic restoration of voting rights for certain persons who fulfill the conditions of the sentence or conditions required by the state Board of Pardons and Paroles; and to specifically repeal Section 17-3-10 of the Code of Alabama 1975.

Committee on Judiciary/Civil

By Senator Denton:

S. 179. To amend Sections 34-37-4 and 34-37-5 of the Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to provide for the duties and compensation of the deputy director.

Committee on Governmental
Affairs/State Administration

By Senator Denton:

S. 180. Proposing an amendment to the Constitution of Alabama of 1901, as amended, to provide that every mayor, sheriff and elected county official shall be entitled to participate in the Employees' Retirement System of Alabama, its successor state employee retirement system, or any municipal or county retirement system in which the employees of such official's respective municipality or county may participate and such official's participation shall be upon the same terms and conditions as may be specified by law or regulation from time to time for the respective municipal or county employees, as the case may be, participating in such retirement system. For the purposes of this amendment the term "elected county official" shall include any official appointed to serve the remaining term of a county elective office.

Committee on Finance
and Taxation

The above Bill was read a first time at length as required by the Constitution.

By Senator Denton:

S. 181. To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, relating to supernumerary tax assessors, tax collectors, revenue commissioners, and license commissioners, to provide for an increase in compensation; to provide further for the method of determining the compensation; to increase the contribution paid by the officials to the supernumerary program; to provide for future increases in compensation and the compensation of surviving spouses of those officials; and to repeal Sections 40-6-5, 40-6-7, and 40-6-8, Code of Alabama 1975.

Committee on Governmental
Affairs/Local Government

By Senator Parsons:

S. 182. To provide for special procedural due process rights for law enforcement officers during certain disciplinary investigations of the officers.

Committee on Judiciary/Civil

By Senator Mitchell:

S. 183. To require counseling as a precondition to an absolute divorce or divorce from bed and board on the grounds of abandonment,

incompatibility of temperament, irretrievable breakdown, physical abuse, or living separate and apart for two years; to provide that a divorce decree granted on those grounds not be finalized until the expiration of one year from the date of entry; to require a previously married applicant for a marriage license to submit a certified copy of the divorce decree or proof that the applicant is current on all child support and alimony due under the terms of the divorce decree; to amend Section 30-1-9 of the Code of Alabama 1975, for these purposes.

Committee on Judiciary/Civil

By Senator Corbett:

S. 184. To provide distinctive motor vehicle license tags or plates for members of the Fraternal Order of Police; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Committee on Economic Affairs

By Senator Corbett:

S. 185. To amend Section 12-17-144.1, Code of Alabama 1975, to allow circuit court registers to purchase certain prior service credit toward supernumerary status.

Committee on Economic Affairs

By Senator Horn:

S. 186. To repeal Section 40-1-32.1, Code of Alabama, 1975 which established the Proration Prevention Account, to provide for rainy day funds from ending balances in the Alabama Special Educational Trust Fund and the General Fund, to provide that the Legislature cannot appropriate more than the revenue projected to be available either by the Legislative Fiscal Office or the Department of Finance except in a Special Session or when projected revenue is less than the previous year's expenditures and sufficient revenue is in the reserve fund to cover those appropriations, to provide that any adjustments to revenue projections must be agreed upon by both the Director of the Legislative Fiscal Office and the Director of the Department of Finance, to provide procedures for the amount and use of such rainy day funds and to provide a cap on the rainy day funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 187. To make an appropriation from the State General Fund

to the Alabama Historical Commission for the operation of the State Capitol for the fiscal year 1992-93.

Committee on Finance
and Taxation

By Senator Bennett:

S. 188. To make an appropriation from the State General Fund to the Alabama Kidney Foundation Incorporated, for the fiscal year ending September 30, 1994, and to require an operation plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Denton:

S. 189. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1994, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Finance
and Taxation

By Senator Horn:

S. 190. To require that all state departments, divisions, boards, bureaus, commissions, agencies, institutions and offices notify the Office of Attorney General whenever any legal action is initiated against any such entity or its employees; to require that such entities notify the Joint Fiscal Committee and the Legislative Fiscal Office whenever such legal action is instituted against any state agency or official concerning the budget process or a revenue source wherein a judgement adverse to the state would affect the budget process and/or the appropriation, allotment, or expenditure of state, federal or local funds; to require such entities notify the Legislative Council and Legislative Reference Service whenever a judgment adverse to the state would affect the operations of the Legislature; and to provide that the Joint Fiscal Committee or Legislative Council may intervene in any such litigation.

Committee on Finance
and Taxation

By Senator Horn:

S. 191. To establish an urban educational and job training pro-

gram in the areas of forestry and horticulture to be administered by the Alabama Forestry Commission and to be entitled the Urban and Community Forestry Financial Assistance Program.

Committee on Agriculture,
Conservation, and Forestry

By Senator Horn (With Notice and Proof):

S. 192. Relating to Class 1 municipalities; providing for the election of the city board of education from nine single-member districts.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 192, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Parsons (With Notice and Proof):

S. 193. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Donald C. Waid for a pension based upon extraordinary disability and to award such pension if, in the judgment of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 193, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Floyd:

S. 194. To provide that probate record files be consolidated into one well-bound record book.

Committee on Governmental
Affairs/State Administration

By Senator Horn:

S. 195. To prohibit discrimination in employment, housing, and

public accommodations, to create the Alabama Human Relations Commission, and to provide penalties.

Committee on Judiciary/Civil

By Senators Hale, Windom, Amari, Campbell, Corbett, Floyd, Bedsole, Parsons, Horn, and Waggoner:

S. 196. To provide an increase in judicial retirement benefits for any retired district judge who served as a district judge prior to July 30, 1979, and who retired prior to October 1, 1991; and to provide for an annual determination of the costs of this increase in benefits and for annual appropriations from the State General Fund to the Judicial Retirement Fund for costs of this increase.

Select Committee on
Fiscal Responsibility

By Senators Ellis, deGraffenried, Amari, and Owens:

S. 197. To amend Sections 41-22-5, 41-22-6, 41-22-12, 41-22-20, 41-22-21, 41-22-22, and 41-22-23 of the Code of Alabama 1975, the Alabama Administrative Procedure Act; to provide further for the notice and comment period for rulemaking, time period for adoption during rulemaking, and the time period for review by the legislative committee; to provide in contested cases for limited discovery and the issuance of subpoenas in contested cases under certain circumstances; and to provide further for judicial review from contested cases.

Committee on Governmental
Affairs/State Administration

By Senator Bennett:

S. 198. Relating to protective services for abused, infirm, incapacitated, neglected, exploited, or mistreated adult persons; to amend Sections 38-9-2, 38-9-6, 38-9-7, 38-9-8, 38-9-9, and 38-9-10, Code of Alabama 1975, to provide definitional changes and penalties involving mistreatment of adult persons; require caretakers to report suspected cases of abuse; provide further reporting requirements; impose potential criminal liability for reporting certain abuses; and provide further criminal penalties for prohibited acts of abuse, neglect, exploitation, or mistreatment.

Committee on Judiciary/Civil

By Senator Windom:

S. 199. To revise the membership of the Commission on Uni-

form State Laws and provide for the payment of its expenses and dues by amending Sections 41-9-370 to 41-9-374, inclusive, Code of Alabama 1975; and to make a supplemental appropriation to the commission.

Committee on Governmental
Affairs/State Administration

By Senator Floyd:

S. 200. To amend Sections 40-12-48, 40-12-49, as amended by Act No. 92-600, S. 324, 1992 Regular Session, 40-12-71, 40-12-92, 40-12-99, 40-12-126, 40-12-135, 40-12-136, and 40-12-155, Code of Alabama 1975, relating to the annual business license taxes paid by persons practicing certain professions to the state, to remove the exemption from the payment of annual business license taxes to the counties.

Committee on Finance
and Taxation

By Senator Dial:

S. 201. To provide a state income tax credit to physicians who are recruited to practice and who actually practice in a small or rural community.

Committee on Health

By Senator Dial:

S. 202. Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain health care services of rural hospitals from one of the meanings of new institutional health services for certificate of need review process purposes.

Committee on Health

By Senator deGraffenried:

S. 203. To amend Section 36-26-8, Code of Alabama 1975, relating to the duties of the Director of the State Personnel Department, to remove the requirement that the director annually publish the names and addresses of all state employees.

Committee on Governmental
Affairs/State Administration

By Senator Bailey:

S. 204. To amend Section 25-4-10, Code of Alabama 1975,

which defines the term "employment" for unemployment compensation purposes, to clarify the language exempting service in the employ of religious organizations.

Committee on Business
and Labor Relations

By Senator Foshee:

S. 205. To provide for an income tax credit to corporations for equipment manufacturing products containing recycled material.

Committee on Small Business

By Senators Owens, Lindsey, Denton, Dixon, and Dial:

S. 206. To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

Committee on Small Business

By Senator Foshee:

S. 207. To provide further for the administration, powers, and duties of the Legislative Reference Service by amending Sections 29-7-2, 29-7-4, 29-7-5, and 29-7-6 and repealing Section 29-7-3 of the Code of Alabama 1975.

Committee on Public Welfare

By Senators Campbell, Foshee, Denton, and Barron:

S. 208. To prohibit the enactment by local governmental units of ordinances, resolutions, or rules controlling the amount of rent

charged for leasing private property; and to provide for the retroactive effect of this act.

Committee on Commerce,
Transportation, and Utilities

By Senator Owens:

S. 209. To repeal Sections 22-21-290, 22-21-291, 22-21-292, 22-21-293, 22-21-294, 22-21-295, 22-21-296, and 22-21-297, Code of Alabama 1975, known as "the Health Care Responsibility Act" which relate to the financial responsibility for indigent health care.

Committee on Health

By Senator Owens:

S. 210. To amend Sections 32-7-2, 32-7-8, 32-7-22, and 32-7-27, Code of Alabama 1975, and to repeal Section 32-7-39, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, to increase the proof of financial responsibility, to further provide for the time of suspension of a person's license or operating privilege or the security required, to increase the amount of minimum coverage of a motor vehicle liability policy, to increase the amount deposited with the State Treasurer, and to delete provisions relating to expenses for administering the Motor Vehicle Safety-Responsibility Act by the Department of Public Safety.

Committee on Banking
and Insurance

By Senators Foshee and Windom:

S. 211. To establish an annual appropriation from the Alabama Special Educational Trust Fund to the Public School and College Authority; to specify to whom the funds are to be distributed; to provide for the method of distribution; and to establish for what purposes the funds may be used.

Committee on Finance
and Taxation

By Senator Bennett:

S. 212. To amend Section 16-25A-17, Code of Alabama 1975, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

Committee on Public Welfare

By Senators Waggoner, Lipscomb, and Barron:

S. 213. Relating to public health in this state; to prohibit smoking in a public place or at a meeting of a public body, except in a designated smoking area; and to prescribe penalties for violations.

Committee on Commerce,
Transportation, and Utilities

By Senator Horn:

S. 214. To provide a cost-of-living increase for certain public education employees with the beginning of the 1993-94 fiscal year and to continue thereafter; and to establish miscellaneous pay provisions.

Committee on Public Welfare

By Senator Horn:

S. 215. To provide for a cost of living increase to certain retirees and beneficiaries receiving a monthly benefit from the Teachers' Retirement System and in certain cases the Employees' Retirement System of Alabama, to provide for funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

Committee on Public Welfare

By Senator deGraffenried:

S. 216. To provide for the offenses of carrying firearms or other weapons on educational institution premises or while being transported to or from the institution or an institution-related activity on transportation provided by the institution; and to prescribe penalties.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Ghee:

S. 217. To amend Section 17-19-7 of the Code of Alabama 1975, to provide for the electoral meeting for electors of the President and Vice-President of the United States.

Committee on Constitution
and Elections

By Senator Ghee:

S. 218. To provide for the "Sore Losers Prevention Act" and to amend Section 17-7-1 of the Code of Alabama 1975, to extend the time of qualification of candidates for public office for filing petitions for ballot access for a general election.

Committee on Constitution
and Elections

By Senator Ghee:

S. 219. To provide for the new offense of sexual torture, to define the offense, and to provide felony punishment for the offense which penalty is cumulative.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Ghee:

S. 220. To provide for a certain civil immunity from liability arising out of the death or injury resulting from participating in equine-related activities; to provide exceptions; to provide for contractual and sign warnings; and to provide definitions of terms.

Committee on Judiciary/Civil

By Senator Ghee:

S. 221. Amending Sections 16-47-10 and 16-52-12, Code of Alabama 1975, permitting police officers of the University of Alabama and Jacksonville State University to carry persons arrested to the nearest municipal court; and specifying the arrest powers of police officers of the University of Alabama.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Ghee:

S. 222. To amend Sections 17-6-8, 17-7-18, 17-8-2, 17-8-25, 17-8-29, 17-16-55, and 21-4-22 of the Code of Alabama 1975, to provide for poll watchers in referendum elections; to prohibit electioneering within certain proximity to all polling places; to require withdrawals from an election by candidates 50 or more days before that election; to provide for the number of paper ballots at each voting place; to provide further for the casting of ballots by electors and assistance to

the electors; to provide penalties for election officials marking ballots contrary to the direction or request of a voter; and to require that certain guidelines to assure accessibility of registration and polling places for handicapped and elderly individuals apply at all elections.

Committee on Constitution
and Elections

By Senator Bedsole:

S. 223. To amend Section 22-11A-17, Code of Alabama 1975, relating to the testing for sexually transmitted diseases of persons sentenced to a jail or a correctional facility under certain circumstances, to provide further that the victim of a sexual offense may request the results of HIV testing of the offender.

Committee on Health

By Senator Ghee:

S. 224. Amending Section 16-8-26.1, Code of Alabama 1975, to provide for payment to a school bus driver for a certain amount of his or her unused personal leave.

Committee on Public Welfare

By Senator Ghee:

S. 225. To amend Section 32-5-240, Code of Alabama 1975, to require the use of lighting equipment on motor vehicles when windshield wipers are in use as a result of rain, sleet, or snow.

Committee on Commerce,
Transportation, and Utilities

By Senator Little:

S. 226. To amend Act No. 92-608, S. 109, 1992 Regular Session, now appearing as Sections 34-14A-6 and 34-14A-16, Code of Alabama 1975, to exempt from the licensing requirement of the Home Builders Licensure Board, residential home builders in counties having populations of less than 40,000.

Committee on Governmental
Affairs/State Administration

By Senator Little:

S. 227. To provide that any member of the employees' or

teachers' retirement system, who, not more than one year prior to becoming a member of the system, was a member of the judicial retirement fund, may elect to transfer his or her creditable service and accumulated contributions from the judicial retirement fund to the employees' or teachers' retirement system.

Committee on Finance
and Taxation

By Senator Little:

S. 228. Amending Section 17-22A-18 of the Code of Alabama 1975, prohibiting a political committee from transferring any contribution to any other political committee.

Committee on Constitution
and Elections

By Senator Little:

S. 229. To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Little:

S. 230. To establish the "Alabama Child Nutrition Law"; to require local boards of education to establish school breakfast and lunch programs beginning with the 1994-95 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

Committee on Education

By Senator Little:

S. 231. To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operation, duties, and authority; to authorize the promulgation of reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal Section 41-6-12, Code of Alabama 1975.

Committee on Consumer Affairs

By Senator Little:

S. 232. To amend Section 36-21-70, Code of Alabama 1975, as

amended by Act No. 92-438 of the 1992 Regular Session, relating to the Peace Officers' Annuity and Benefit Fund, so as to allow retirement upon completion of 25 years of qualified service, regardless of age.

Committee on Finance
and Taxation

By Senator Little:

S. 233. To prohibit the discharge of litter and sewage from vessels into the waters of the state; to require certain vessels and structures to have certain marine sanitation devices; to regulate the sanitation facilities of marinas and boat storage facilities; to provide for certain fees and their distribution; to prescribe criminal penalties and administrative penalties; to repeal Sections 33-6-1 to 33-6-12, inclusive, Code of Alabama 1975, and to provide for the effective date, including certain prospective effective dates.

Committee on Commerce,
Transportation, and Utilities

By Senator Little:

S. 234. To make the willful violation of any provision of a temporary or permanent protection order or restraining order involving domestic relations or family violence issued pursuant to the Protection From Abuse Act, Section 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, and restraining orders or injunctions, in which a history of family violence or abuse is cited, issued in domestic relations, family violence or juvenile courts in domestic relations or family violence cases a Class A misdemeanor; to impose additional mandatory minimum penalties; to permit the arresting officer certain arrest powers with probable cause; to provide for an affirmative defense for lack of knowledge and burden of proof; to provide certain immunities; and to provide this act shall be construed in pari materia with Chapter 5 of Title 13A, Code of Alabama 1975, and other pertinent laws, relating to fines, sentences, and unlawful civil and criminal acts.

Committee on Judiciary/Civil

By Senator Little:

S. 235. To regulate advertisements and solicitation by veterinarians to the general public through the rulemaking authority granted to the Alabama State Board of Veterinary Medical Examiners.

Committee on Agriculture,
Conservation, and Forestry

By Senators Little and Bailey:

S. 236. Relating to the Ethics Law, to add certain definitions, redefine other terms, and expand persons covered under the Ethics Act; to change reference to elected officials and government employees to public officials and public employees throughout the Ethics Law; to authorize the Alabama Ethics Commission to initiate investigations; to issue subpoenas; to employ a full-time attorney with prosecutorial powers; and to investigate anonymous complaints in specified circumstances; to provide further for standards of conduct; to prohibit legislators from representing the state, county, municipalities, or instrumentalities thereof in their districts; to prohibit representation by certain public officials, public employees, and family members, of certain businesses of clients for a fee before quasi-judicial boards or commissions, governmental regulatory agencies, or executive departments or agencies; to prohibit attorney-legislators from representing clients before certain regulatory agencies and departments; to prohibit regulatory officials and employees and families thereof from accepting anything of value in specified circumstances; to prohibit, for a certain period, former state officials and public employees from serving for fees as lobbyists or before agencies where they have previously served; to provide for the removal of names of candidates from ballots; to provide for annual registration and fees therefor of lobbyists; to authorize the commission to assess a civil penalty for failure to file a correct, timely statement of economic interests; to provide further for the statute of limitations for violations; and to amend Sections 36-25-1, 36-25-2, 36-25-4, 36-25-5, 36-25-6, 36-25-7, 36-25-10, 36-25-12, 36-25-13, 36-25-15, 36-25-18, and 36-25-27 of the Code of Alabama 1975.

Committee on Constitution
and Elections

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

And the Speaker has appointed as a committee on the part of the House, Representatives Mikell, Turner, and Laird.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate

Joint Resolution and returns same herewith to the Senate:

SJR 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

And the Speaker has appointed as a committee on the part of the House, Representatives Mikell, Turner, and Laird.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 3. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

GREG PAPPAS,
Clerk.

RECESS

At 5 o'clock P.M., Senator deGraffenried moved that the Senate take a recess until 6:15 P.M., at which time the Message of His Excellency, the Governor, will be delivered in Joint Session, and further moved that at the completion of the Joint Session the Senate stand in adjournment until Thursday, February 4, 1993 at 10 o'clock A.M., which motion was adopted.

JOINT SESSION

At 6:30 P.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the newly renovated capitol in the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, the Honorable Guy Hunt.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Guy Hunt was escorted to the Chair and delivered his address to the Legislature of Alabama.

ADJOURNMENT

The purpose of the Joint Session having been accomplished, at 7:05 P.M., in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, February 4, 1993, at 10 o'clock A.M.

SECOND LEGISLATIVE DAY
THURSDAY, FEBRUARY 4, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Pastor, New Providence Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Carmen Saunders, Saint James School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Wilson -31

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Figures, Smith (B), and Windom for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Powell and Smith (C):

HJR 13. INVITING COACH PAT DYE TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most cordially invite Coach Pat Dye to address a joint session of the Alabama Legislature at a time and date to be set at his convenience, and on which occasion the Alabama Senate and the Alabama House of Representatives will assemble in joint session in the State House to hear his remarks.

BE IT FURTHER RESOLVED, That Coach Dye be advised, by a copy of this resolution, of our invitation to address the Legislature and of our hopeful anticipation of his acceptance.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 13, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, February 9, 1993, at 2 o'clock P.M., which motion was adopted.

REPORTS OF COMMITTEES

Senator Hale, Chairperson of the Standing Committee on Rules,

reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

S. 90. Amending Sections 29-1-12, 29-1-13, and 41-4-150, Code of Alabama 1975, providing for the time period for the preparation, delivery, and distribution of the journals of the House of Representatives and the Senate.

By Senators deGraffenried, Windom, Little, Corbett, Smith (J), Campbell, and Barron:

S. 111. To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Powell, Turnham and Smith (C):

HJR 14. COMMENDING COACH PAT DYE ON HIS ILLUSTRIOUS CAREER AS HEAD COACH AT AUBURN UNIVERSITY.

Also:

By Reps. Bugg and Smith (R):

HJR 15. MOURNING THE DEATH OF JULIUS S. SWANN, JR., OF GADSDEN, ALABAMA.

Also:

By Reps. Bugg and Smith (R):

HJR 16. RECOGNIZING LINDA HOWINGTON OF GADSDEN, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

By Reps. Bugg and Smith (R):

HJR 17. COMMENDING GERTIE M. LOWE OF JACKSONVILLE, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolution, HJR 14, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, HJR's 15, 16, and 17, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

RESOLUTIONS

Senator Dial offered the following Senate Joint Resolution, to-wit:

SJR 11. MOURNING THE DEATH OF CHARLES LESTER PROCTOR OF LINEVILLE, ALABAMA.

WHEREAS, it is with a deep sense of loss that the Alabama Legislature records the death of Charles Lester Proctor of Lineville, Alabama, on October 9, 1993, at the age of 75 years; and

WHEREAS, a native and lifelong resident of Clay County, Mr. Proctor was a 44-year veteran of the newspaper business who was serving at the time of his lamentable death as Editor and Publisher of the Clay Times-Journal; and

WHEREAS, Mr. Proctor, a United States Army veteran of World War II with four and a half years of service in the Pacific Theatre, began his career with the purchase of the Lineville Tribune and, three years later, acquired the Ashland Progress; in 1990, he combined the two papers into The Clay Times-Journal which is distributed not only locally, but throughout the United States and Europe; and

WHEREAS, Lester Proctor, whose name became synonymous with "news" in Clay County, provided a valuable service to area citizens as a dedicated newsman who worked tirelessly at his profession; he also, however, gave unceasingly of his time, talent and ability in providing leadership to the community in all areas of concern; and

WHEREAS, he was a former Lineville Council member; a member of the Clay County Board of Education and the Lineville Housing Authority; Trustee of the Clay County Area Vocational Center and Southern Union State Junior College; and an active member of Lineville Baptist Church which he served devotedly as a Youth Sunday School teacher, church Trustee, and member of the Fellowship Bible Class; and

WHEREAS, Charles Lester Proctor was indeed a beloved member of his community who was friend, mentor and counselor to countless

area youth; he was a quiet and modest man who served always to the good and well-being of others, and his lamentable death has left an unfathomable void in the hearts of his family, many friends, and all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Charles Lester Proctor of Lineville, Alabama, and extend deepest sympathy to his wife, Mrs. Sue Proctor; son, David Proctor; to his grandchildren, Christopher and Brooklyn Proctor; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Mitchem offered the following Senate Joint Resolution, to-wit:

SJR 12. COMMENDING CHARLES A. McCALLUM FOR DISTINGUISHED LEADERSHIP OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM.

WHEREAS, in order to concentrate on teaching and patient-care activities, Dr. Charles A. McCallum will relinquish the office of president of the University of Alabama at Birmingham (UAB), effective June 30, 1993; and

WHEREAS, Dr. McCallum, who joined the UAB faculty in 1956 as instructor in the Department of Oral Surgery, thereafter rose through the ranks to serve successively as professor of dentistry, chairman of the Department of Oral Surgery, Dean of the School of Dentistry, vice president for health affairs and director of the medical center, and as acting president in 1986 before assuming the presidency in 1987; and

WHEREAS, under his distinguished leadership, UAB has experienced unprecedented growth and progress, including an increase in enrollment of some 17% to 16,658 students in 1992, while UAB's physical plant has grown from six million to 7.5 million gross square feet, completing the major phase of the University's building expansion program at an investment of \$250 million since 1987; and

WHEREAS, also completed during Dr. McCallum's tenure was UAB's first major fund-raising campaign which raised \$67 million, \$12 million more than its goal; the school endowment, \$40 million in 1987, has more than doubled to \$90 million in 1992 while, during this same period, great strides have been made in all other institutional areas, including student and faculty racial diversity, cooperative community/uni-

versity programs, commitment to technology transfer and economic development activities, "excellence in teaching" awards for each school, and extramural contract support which increased almost 60% to rank UAB among the top 35 universities in federal funding for research and development; and

WHEREAS, Dr. McCallum, who holds the faculty rank of professor in the Schools of Dentistry and Medicine, received his D.M.D. in 1951 from Tufts University School of Dental Medicine, and earned his M.D. from the University of Alabama School of Medicine; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement, and in grateful acknowledgement of his distinguished leadership as president of the University of Alabama at Birmingham, we hereby commend Dr. Charles A. McCallum, whom we hold in highest personal regard, and for whom a copy of this resolution shall be provided.

On motion of Senator Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

NOTICE IN WRITING

Senators Mitchell and Waggoner offered the following Notice in Writing, to-wit:

NOTICE IN WRITING

Notice is hereby given in accordance with the Senate Rules that on the next legislative day a motion will be made to create a new Senate Rule No. 41.1 to read as follows:

Rule 41.1. There shall be no smoking or other use of tobacco on the floor of the Senate.

Which was read and ordered filed with the Secretary.

COMMITTEE APPOINTMENT ANNOUNCED

The President and Presiding Officer of the Senate announced that Senator Lindsey has been appointed to the following Standing Committee of the Senate, to-wit:

Health

MOTION IN WRITING

Senator deGraffenried offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Notice having been given on a previous Legislative Day, motion is hereby made to amend the Senate Rules as follows:

Amend Senate Rule 67 as follows:

Rule 67. On the signing of bills or resolutions, the Secretary shall make the journal read:

"SIGNING OF BILLS (OR RESOLUTIONS)

"The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills (or resolutions), the titles of which are set out in the foregoing (Message) from the House, or Report from the Committee on Rules as the case may be."

On motion of Senator deGraffenried, the Rules were suspended and the Motion in Writing was adopted by the Senate.

RECESS

At 10:55 A.M., on motion of Senator deGraffenried, the Senate took a recess until the completion of the Joint Session.

JOINT SESSION

At 11 o'clock A.M., in accordance with HJR 13, heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of Coach Pat Dye, former head coach and athletic director at Auburn University.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Coach Dye was escorted to the Chair and delivered his message to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, a 12 o'clock Noon, the Senate returned to its Chamber and was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Bedsole, Lindsey, Denton, Dial, Owens, Ellis, Bolling, and Hill:

S. 237. To further provide for certain fishing licenses; to provide for a resident seven-day trip saltwater fishing license; to amend Section 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing in Section 9-11-53.2, Code of Alabama 1975; to further provide for the fee for a resident combination saltwater-freshwater fishing license; to provide for a public fishing pier license and a saltwater pier fishing license; to amend Section 9-11-55, Code of Alabama 1975; to provide for a nonresident annual freshwater fishing license; to provide for a nonresident annual saltwater fishing license; to provide for a nonresident seven-day trip saltwater fishing license; to provide for the sale of a nonresident annual combination saltwater-freshwater fishing license; to amend Section 9-11-56, Code of Alabama 1975, to provide for a nonresident seven-day trip freshwater fishing license; to amend Section 9-12-113, Code of Alabama 1975, relating to saltwater commercial hook and line fishing and saltwater net or seine fishing, to further provide for licensing of nonresidents and to further provide for the confiscation of equipment used to fish illegally with nets and seines; and to provide penalties for violations.

Committee on Agriculture,
Conservation, and Forestry

By Senator Ghee:

S. 238. To amend Sections 22-28-2 and 22-28-12, Code of Alabama 1975, relating to clean air emission standards for motor vehicles; to authorize the Department of Environmental Management to adopt, fund, and administer a motor vehicle emission control program for Alabama in compliance with the federal Clean Air Act Amendments of 1990.

Committee on Commerce,
Transportation, and Utilities

By Senator Corbett:

S. 239. To amend Section 11-43-143, Code of Alabama 1975, relating to employee organizations of firefighters to provide a procedure for a written response from the employing governing body to proposals from firefighters.

Committee on Economic Affairs

By Senator Ellis:

S. 240. To further provide for commercial driver licensing; to

require the Director of Public Safety to implement retroactively to March 30, 1992, or on the first date authorized, a waiver for certain seasonal drivers from the knowledge and skill requirements of the commercial driver license to the extent and for the period authorized by federal law, rule, and regulation; and to provide that the waiver shall be cumulative to any other exception and shall appear with applicable endorsements on the commercial driver license pursuant to Section 32-6-49.7 of the Code of Alabama 1975.

Committee on Commerce,
Transportation, and Utilities

By Senators Lindsey, Bedsole, and Denton:

S. 241. To amend Sections 9-11-46, 9-11-47, 9-11-48, and 9-11-49, inclusive, Code of Alabama 1975, relating to nonresident hunting licenses, to increase the fees and to delete provisions relating to the length of deer season for certain licenses.

Committee on Agriculture,
Conservation, and Forestry

By Senator Langford:

S. 242. Relating to alcoholic beverages; to authorize referendum elections to determine whether alcoholic beverages may be sold or dispensed on Sunday within any wet county or wet municipality in this state.

Committee on State Development
and Tourism

By Senators Little, deGraffenried, and Waggoner:

S. 243. Requiring two- and four-year state institutions of higher education and state vocational and technical colleges to provide information to certain retailers regarding academic materials that will be used in courses offered by the institution or college in the upcoming academic period; and providing that certain amounts of state funding will be denied to any institution or college violating this requirement.

Committee on Education

By Senator Langford:

S. 244. To amend Section 36-7-1, Code of Alabama 1975, to provide that Article 1, Chapter 7 of Title 36, Code of Alabama 1975, shall not apply to the use of credit cards issued in the name of the mu-

municipality by municipal officers and employees while on municipal business beyond the limits of the municipality.

Committee on Governmental
Affairs/Local Government

By Senator Langford:

S. 245. To amend Section 41-16-51, Code of Alabama 1975, to exempt purchases of certain computer and word processing hardware and custom software owned by any entity which would otherwise be subject to certain competitive bid requirements and to exempt professional services for the codification and publication of laws and ordinances from certain competitive bid requirements.

Committee on Governmental
Affairs/Local Government

By Senator Ellis:

S. 246. To provide for the offense of carrying or possessing firearms, explosives, explosive weapons, and certain other dangerous weapons on the University of Montevallo property; and to declare penalties for the offense.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Langford:

S. 247. Relating to Class 3 municipalities; to further provide for the number of members of municipal boards, committees, or like bodies.

Committee on Governmental
Affairs/Local Government

By Senator Langford:

S. 248. To permit the State Youth Services Director to appoint or employ persons to serve as police officers for the Department of Youth Services and specify the powers and duties of the officers.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Lindsey:

S. 249. To require certain persons or entities to obtain a certifi-

cation from the State Department of Public Health before conducting bill audits or utilization reviews, or both, for covered medical insurance services.

Committee on Health

By Senators Lindsey, Bolling, and Bedsole:

S. 250. To amend Sections 9-11-46, 9-11-47, 9-11-48, and 9-11-49, inclusive, Code of Alabama 1975, relating to nonresident hunting licenses, to increase the fees and to delete provisions relating to the length of deer season for certain licenses.

Committee on Agriculture,
Conservation, and Forestry

By Senators Lindsey, Bedsole, Bolling, and Lipscomb:

S. 251. To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, relating to the license fee for nonresident fishing licenses.

Committee on Agriculture,
Conservation, and Forestry

By Senators Lindsey, Denton, Dixon, and Mitchem:

S. 252. Amending Section 41-9-141, Code of Alabama 1975, to allow the state building commission to charge user fees for services performed under Article 6, Chapter 9, Title 41, Code of Alabama 1975, and to appropriate the fees collected under this act.

Committee on Economic Affairs

By Senator Denton:

S. 253. To provide for the "Alabama County Commissioners College Act"; to provide for legislative intent; to provide for definitions; to provide that elected members of county commissions attend a course of training and education on local government matters; to provide for the payment of expenses from public funds; to establish the Alabama County Commissioners College; to provide for dates of the course of training and education; to provide for a board of directors of the college; and to provide for procedures relative to the administration of the college.

Committee on Governmental
Affairs/Local Government

By Senator Denton:

S. 254. To amend Section 13A-5-40, Code of Alabama 1975,

by providing that murder by a defendant wherein the defendant attempts to murder one or more persons during one continuing criminal enterprise shall be a capital offense.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senators Smith (J), Bedsole, Dial, Hale, and Mitchem:

S. 255. To appropriate from the General Fund of the State Treasury the sum of \$1,600,000 for the fiscal year ending September 30, 1993, for the Department of Agriculture and Industries Agricultural Development Services Program, which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication; to provide that the appropriation shall be supplemental.

Committee on Agriculture,
Conservation, and Forestry

By Senator Denton:

S. 256. To amend Section 16-51-6, Code of Alabama 1975, relating to the Board of Trustees of the University of North Alabama; to establish and implement personnel rules, policies, and practices for the university; and to authorize the board of trustees to merge with another institution without seeking or obtaining legislative or administrative approval.

Committee on Governmental
Affairs/Local Government

By Senator Smith (J):

S. 257. To amend Section 13A-5-40, Code of Alabama 1975, by providing that murder by a defendant wherein the defendant attempts to murder one or more persons during one continuing criminal enterprise shall be a capital offense.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Little:

S. 258. To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the radiation advisory board of health, so as to include a veterinarian on the board.

Committee on Health

By Senators Mitchell, Waggoner, Little, and Smith (J):

S. 259. To amend Section 6-5-332 of the Code of Alabama 1975, to include chiropractors in the list of persons who would not be liable for first aid or emergency care at the scene of an accident, casualty, or disaster.

Committee on Health

By Senator Smith (J):

S. 260. To prohibit a person from possessing, without authority, a state, county, or municipal traffic sign; and to provide penalties.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Mitchem:

S. 261. To amend Section 40-18-27, Code of Alabama 1975, to adjust the minimum individual taxpayer filing requirements to give consideration for the standard deduction.

Committee on Finance
and Taxation

By Senator Horn:

S. 262. To provide that Class 1, 2, 3, 4, or 5 municipalities may establish one or more Self-Help Business Improvement Districts to provide special services and special physical improvements financed in whole or in part by fees assessed on property in the district and municipal license fees levied on businesses in the district; and to provide for management, operation, powers, and duties of the districts, including the creation of nonprofit corporations to manage the districts.

Committee on Small Business

By Senator Lindsey:

S. 263. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

Committee on Economic Affairs

By Senators Hale, Bennett, Langford, Corbett, Campbell, Smith (J),

deGraffenried, Horn, Parsons, Waggoner, Ghee, Amari, Bedsole, Wilson, Windom, Foshee, and Floyd:

S. 264. To provide an increase in judicial retirement benefits for any retired district judge who served as a district judge prior to July 30, 1979, and who retired prior to October 1, 1991; and to provide for an annual determination of the costs of this increase in benefits and for annual appropriations from the State General Fund to the Judicial Retirement Fund for costs of this increase.

Committee on Economic Affairs

By Senator Lindsey:

S. 265. Relating to the further regulation of liquefied petroleum gas and the powers, duties, and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-104, 9-17-109, and 9-17-110, Code of Alabama 1975, as amended, so as to provide for notification of work on liquefied petroleum gas systems; to provide for a research and education committee; to provide for a special Liquefied Petroleum Gas Research and Education Fund in the State Treasury for research and education purposes.

Committee on Economic Affairs

By Senator Hale:

S. 266. To amend further Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act, to prescribe fines for certain violations of the act.

Committee on Commerce,
Transportation, and Utilities

By Senator Langford:

S. 267. To exempt Alabama Goodwill Industries, Inc., Goodwill Industries of Mobile Area, Inc., and Goodwill Industries of Central Alabama, Inc., from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance
and Taxation

By Senator Waggoner:

S. 268. To amend Section 16-17-1, Code of Alabama 1975, which defines certain terms relating to educational building authorities,

to include public nonprofit corporations promoting educational television within the definition of "educational institution"; and to expand the definitions of "construct" and "ancillary improvements."

Committee on Education

By Senator Hale:

S. 269. To create the Alabama Department of Environmental Management Fine Review Committee; to provide for its composition, meetings, powers, duties, and compensation.

Select Committee on
Fiscal Responsibility

By Senator Horn:

S. 270. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the Board to receive up to 300 surplus passenger automobiles by paying only the appropriate administrative and handling service charge to the surplus property division.

Committee on Governmental
Affairs/State Administration

By Senator Bennett (With Notice and Proof):

S. 271. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 271, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Waggoner:

S. 272. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board, a nonprofit corporation, may elect to become members of the Teachers' Retirement System of Alabama and the State Employees' Health Insurance Plan; to provide that the Alabama Sports Hall of Fame Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

Committee on Finance
and Taxation

By Senator Bennett (With Notice and Proof):

S. 273. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Homewood in Jefferson County.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 273, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bennett (With Notice and Proof):

S. 274. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 274, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bennett:

S. 275. To amend Sections 22-30A-1 to 22-30A-5 and 22-30A-7 to 22-30A-10, inclusive, Code of Alabama 1975, relating to the Alabama Hazardous Substance Cleanup Fund administered by the Alabama Department of Environmental Management to authorize the

fund to be used to investigate potentially hazardous substance sites and to manage and remove materials from those sites; to authorize the recovery of expenditures from certain liable parties; to provide that the liability of liable parties under this act is joint and several; and to provide for a more concise report of the director of the department.

Committee on Commerce,
Transportation, and Utilities

By Senators Parsons, Amari, Horn, Floyd, Waggoner, Bennett, Bailey, Dial, and Owens:

S. 276. Relating to the Ethics Law, to add certain definitions, redefine other terms, and expand persons covered under the Ethics Act; to change any reference to elected officials and government employees to public officials and public employees throughout the Ethics Law; to authorize the Alabama Ethics Commission to initiate investigations and to issue subpoenas; to employ a full-time attorney with prosecutorial powers and to investigate anonymous complaints in specified circumstances; to provide further for standards of conduct; to prohibit legislators from representing the state, county, municipalities, or instrumentalities in their districts; to prohibit representation by certain public officials, public employees, and family members, of certain businesses of clients for a fee before quasi-judicial boards or commissions, governmental regulatory agencies, or executive departments or agencies; to prohibit attorney-legislators from representing clients before certain regulatory agencies and departments, but allowing practice before certain other state entities with notice to the State Ethics Commission; to prohibit regulatory officials and employees and families from accepting anything of value in specified circumstances; to prohibit, for a certain period, former state officials and public employees from serving for fees as lobbyists or before agencies where they have previously served; to provide for the removal of names of candidates from ballots; to provide for annual registration and an annual fee for lobbyists; to authorize the commission to assess a civil penalty for failure to file a correct, timely statement of economic interests; to provide further for the statute of limitations for violations; and to amend Sections 36-25-1, 36-25-2, 36-25-4, 36-25-5, 36-25-6, 36-25-7, 36-25-10, 36-25-12, 36-25-13, 36-25-15, 36-25-18, and 36-25-27 of the Code of Alabama 1975.

Committee on Constitution
and Elections

By Senators Bennett, Floyd, Denton, Figures, and Hale:

S. 277. To create the Judicial Education Trust Fund as a separate fund in the State Treasury; to amend Sections 12-14-14, 12-19-72, 12-19-171, 12-19-174, 12-19-175, 12-19-176, 12-19-178, and

12-19-179, Code of Alabama 1975, to make distribution of a portion of the docket fees collected in circuit, district, and municipal courts to the Judicial Education Trust Fund; to authorize the expenditure of the funds; and to make appropriations from the fund for fiscal years 1992-93 and 1993-94 to the Unified Judicial System.

Committee on Finance
and Taxation

By Senator Foshee:

S. 278. To further provide for the implementation of the pilot project for a uniform system for electronic voting and for the electronic totaling of all votes cast on the voting machines and for the electronic transfer of election returns in the 1993 elections; to provide for reimbursement by the state of certain expenses of the county from savings from election expenses and election printing expenses; and to provide for orderly participation of counties in the program.

Committee on Economic Affairs

By Senators Parsons, Dixon, Windom, Bailey, Campbell, Corbett, Smith (J), Mitchell, Ghee, Amari, Wilson, Lindsey, Denton, and Bennett:

S. 279. To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal year beginning October 1, 1993.

Committee on Finance
and Taxation

By Senator Dial:

S. 280. To amend Section 30-3-61, Code of Alabama 1975, relating to income withholding orders for child support, to extend immediate income withholding to all support orders issued or modified on or after January 1, 1994, except under specified criteria.

Committee on Public Welfare

By Senator Horn:

S. 281. To make an appropriation from the Alabama Special Educational Trust Fund to the Macon County Arts Manifesto for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to the release of any funds.

Committee on Finance
and Taxation

By Senator Langford:

S. 282. Honoring the life and public service of former Representative John L. Buskey by providing certain limited matching funds for those monies voluntarily contributed to the Penny Trust Fund; establishing procedures; designating the source and amounts of the matching funds; and repealing Section 41-15A-5, Code of Alabama 1975.

Committee on Finance
and Taxation

By Senators Dial, Barron, Mitchem, Hale, Dixon, Owens, Waggoner, Bedsole, Bolling, Ellis, Denton, deGraffenried, Bennett, Mitchell, Lipscomb, Bailey, Little, Foshee, and Lindsey:

S. 283. To authorize the Alabama Public School and College Authority to sell and issue two hundred million dollars (\$200,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories, physical education facilities and research facilities, including the acquisition of land for colleges and universities, technical colleges, junior colleges, elementary-secondary school systems and other public educational entities; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Committee on Public Welfare

By Senators Mitchem, Barron, deGraffenried, Ellis, Bolling, Denton, Dial, Waggoner, Little, Bailey, Horn, Campbell, Bedsole, Parsons, Corbett, Bennett, Langford, Dixon, Smith (J), Floyd, Sanders, Hale, Foshee, Mitchell, Lindsey, and Wilson:

S. 284. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

Committee on Public Welfare

By Senators Corbett, Campbell, Mitchell, Langford, Sanders, Parsons, Bennett, Ghee, Bailey, Little, Bedsole, Foshee, deGraffenried, Floyd, Lindsey, Denton, Bolling, Wilson, and Smith (J):

S. 285. To provide a cost-of-living increase for certain public education employees with the beginning of the 1993-94 fiscal year and to continue thereafter; to provide that certain salary schedules at two-year colleges shall be upgraded to reflect a cost-of-living pay adjustment; and to establish miscellaneous pay provisions.

Committee on Public Welfare

By Senators Ghee, Hale, and Figures:

S. 286. To provide further for the devolution of an estate at death; to provide further for the duties and powers of a personal representative of an estate; to provide further for payment of expenses in estate litigation and employment of agents and employees of the estate; to provide for bonding requirements of a personal representative or special administrator; to repeal Sections 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, and 43-2-316, Code of Alabama 1975; and to provide that this act shall become effective January 1, 1994.

Committee on Judiciary/Civil

By Senators Owens, Dixon, Waggoner, Barron, Bailey, Lipscomb, Bolling, Bedsole, and Dial:

S. 287. To enact "The Punitive Damages Reform Act of 1993"; to further provide for punitive damages in civil actions with certain exceptions; and to repeal Sections 6-11-21 and 6-11-27, Code of Alabama 1975.

Committee on Public Welfare

By Senators Owens, Waggoner, Barron, Little, Bailey, Lipscomb, Bolling, Bedsole, and Dial:

S. 288. To prohibit and make unlawful certain campaign contributions from attorneys to candidates for judicial office; and to provide for criminal penalties.

Committee on Public Welfare

By Senators Owens, Dixon, Waggoner, Barron, Bailey, Lipscomb, Bolling, Bedsole, and Dial:

S. 289. To set maximum percentages which attorneys may charge as contingency fees in civil actions.

Committee on Public Welfare

By Senator Bailey:

S. 290. To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

Committee on Public Welfare

By Senator Dial:

S. 291. To amend Section 36-27-51 of the Code of Alabama 1975, to provide for an employee of the State of Alabama to purchase prior service with a municipality.

Committee on Finance
and Taxation

By Senators Mitchell, Waggoner, Barron, Smith (J), Little, Owens, Bailey, Lipscomb, Bolling, and Bedsole:

S. 292. Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of three years after a cause of action accrues or arises in certain cases; to provide that all causes of action and to all rights of action which accrue more than four years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a

savings clause to causes of action which have accrued prior to the effective date of this act.

Committee on Business
and Labor Relations

By Senators Mitchell, Mitchem, Hale, Owens, Dixon, Waggoner, Barron, Smith (J), Little, Bailey, Lipscomb, Bolling, and Bedsole:

S. 293. Relating to all civil actions in tort, contract, or otherwise against materialmen who provide labor, material, and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than four years after the substantial completion of construction of an improvement on or to the real property; to provide for an exception to the bar to relief with respect to actions accruing more than four years after the substantial completion of construction of an improvement on or to real property where there is a written express warranty or indemnity which by the written terms thereof shall extend beyond the period of four years; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; and to provide that this act does not create any cause of action against materialmen or any other persons.

Committee on Business
and Labor Relations

By Senator Ghee:

S. 294. To authorize the establishment of catastrophic sick leave programs by various boards of education on a voluntary basis; to permit employees to donate days; and to provide for uniform rules.

Committee on Finance
and Taxation

By Senator Ghee:

S. 295. To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving under the influence of alcohol and drugs to increase the penalties and sanctions for a fourth and subsequent conviction.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Dial:

S. 296. Relating to public schools, providing for a supplemental

appropriation from the Alabama Special Educational Trust Fund for the support, maintenance, and development of the public schools of Alabama for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

By Senator Langford:

S. 297. To grant a waiver from the levy of a utility customer charge to certain persons receiving Supplemental Security Income or Aid to Families with Dependent Children benefits.

Committee on Commerce,
Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Morrow and Letson:

HJR 60. NAMING THE "TOM BEVILL HIGHWAY".

Also:

By Rep. Layson:

HJR 61. DESIGNATION STATE HIGHWAY 14 IN PICKENS COUNTY, ALABAMA, AS THE "JAMES MCCRORY MEMORIAL HIGHWAY."

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Campbell, the Rules were suspended and the Resolution, HJR 60, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 61, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Black (L):

HJR 18. COMMENDING MR. AND MRS. JEFF MATTHEWS ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

By Rep. Mathis:

HJR 25. COMMENDING J. W. PEACOCK OF GENEVA, ALABAMA.

Also:

By Rep. Gaston:

HJR 29. COMMENDING RONALD L. PIERCE OF MOBILE, ALABAMA, FOR DISTINGUISHED PUBLIC SERVICE.

Also:

By Reps. Gaston and Zoghby:

HJR 30. COMMENDING HILDA BELLINGER GEWIN OF MOBILE, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 18, 25, 29, and 30, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Freeman, Sanderford, Grayson, Haney, Butler, Hall, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay,

Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 12. COMMENDING M. CARL ZIEMKE FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 12, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Clay:

HJR 31. DESIGNATING "ALABAMA TRIO DAY" IN THE STATE OF ALABAMA.

Also:

By Reps. McDaniel, Sanderford, Hill, Knight (A) and Harvey:

HJR 32. DESIGNATING MAY 1993 AS THE "MOTORCYCLE SAFETY AND AWARENESS MONTH."

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 31 and 32, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Drake, Cagle, Parker (T), Layson, Poole, Melton, and Rogers (J):

HJR 27. COMMENDING COACH GENE STALLINGS AND THE UNIVERSITY OF ALABAMA FOOTBALL TEAM, AND INVITING COACH STALLINGS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, in claiming the 1992 National Football Championship with a 34-14 defeat of the Miami Hurricanes, Coach Gene Stallings and the Crimson Tide have brought great fame and honor to the State of Alabama; and

WHEREAS, Coach Stallings also led the Tide to its 20th Southeastern Conference Championship, 28-21 over the University of Florida, in the inaugural SEC Championship game; and

WHEREAS, in the Centennial year of football at the University of Alabama, the Crimson Tide completed the season untied and undefeated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Head Coach Gene Stallings and the Crimson Tide on the 1992 National Championship, the 12th National Title for the University of Alabama.

BE IT FURTHER RESOLVED, That we hereby invite Coach Stallings to address the Legislature, at a time and date to be determined at his convenience, at which time the House of Representatives and the Senate will convene in joint session to hear Coach Stallings' remarks.

BE IT FURTHER RESOLVED, That Coach Stallings be advised, by copy of this resolution, of our invitation and our hopeful anticipation of his acceptance.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 27, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 53. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, February 4, 1993, they adjourn to meet again on Tuesday, February 9, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 53, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Turnham:

HJR 55. COMMENDING NEIL O. DAVIS OF AUBURN, ALABAMA, FOR EXTRAORDINARY SERVICE TO THE PRESBYTERIAN COMMUNITY MINISTRY.

Also:

By Rep. Black (L):

HJR 57. MOURNING THE DEATH OF MRS. MAMIE BROWN OF WARD, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 55 and 57, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turnham, Willis, Crow, Walker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Warren, White, Williams, and Zoghby:

HJR 59. MOURNING THE DEATH OF MARY ELBA CAMPBELL OF ANNISTON, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 59, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES RESUMED

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

S. 152. To clarify, define, and re-affirm the sovereign relationship between the State of Alabama and the Choctaw Indians.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett (With Amendment):

S. 5. To provide for the regulation of elevators, dumbwaiters, escalators, moving walks, manlifts, and associated facilities and equipment; and to provide for penalties for violations.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Foshee and Windom:

S. 158. To amend Section 36-15-60, Code of Alabama 1975, to provide for investigators for the office of the Attorney General.

By Senator Corbett:

S. 3. To regulate the possession and other matters related to certain exotic animals; to prescribe the powers and duties of certain state agencies, officials, and other persons; to provide standards for the care of exotic animals; and to prescribe penalties for violations and provide remedies.

By Senator Corbett:

S. 2. To provide for a pay scale for county chief appraisers based on population of the counties.

By Senator Corbett:

S. 185. To amend Section 12-17-144.1, Code of Alabama 1975, to allow circuit court registers to purchase certain prior service credit toward supernumerary status.

By Senator Corbett:

S. 23. Relating to the regulation of liquefied petroleum gas; to

amend Section 9-17-109 of the Code of Alabama 1975, to provide for the filling of liquefied gas tanks and bottles; and to require notification of work on liquefied petroleum gas systems.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett (With Substitute):

S. 4. To establish the Alabama Small Business Incubator Act of 1993 to promote and establish small business incubators and entrepreneurial service under the Alabama Department of Economic and Community Affairs.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 184. To provide distinctive motor vehicle license tags or plates for members of the Fraternal Order of Police; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

REPORT FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations requested that the following Communication to the Governor, relative to the appointment of Mr. Michael B. McCartney to the Auburn University Board of Trustees, be spread upon the Journal, to-wit:

Pursuant to the provision of Senate Rule No. 33 and Senate Resolution No. 8 adopted on September 9, 1991, the appointment of Mr. Michael B. McCartney, from Gadsden, Alabama, to the Board of Trustees of Auburn University has hereby been rejected by the committee on Confirmations and I am therefore returning to you his appointment as provided by the rules and request that a new nominee be submitted.

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said committee, in session, had rejected the following election, to-wit:

Election of James D. Loftin, Sr. to the University of Alabama Board of Trustees

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, pursuant to the provisions of Title 16, §16-47-30, Article 2, is submitting in its stead the following Election and ordered same returned to the Senate with a favorable report, to-wit:

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Joseph L. Fine	Montgomery, AL	Second	1998

Senator Bailey moved that the election of Mr. Fine be rejected by the Senate.

On motion of Senator Foshee, the motion to reject was laid on the table.

Yeas 17 Nays 5
Abstaining 1

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Floyd, Foshee, Hale, Horn, Langford, Lindsey, Mitchem, Owens, Parsons, and Smith (J) -17

Nays:

Senators:

Bailey, deGraffenried, Dixon, Hill, and Lipscomb - 5

Abstaining: Senator Ellis - 1

On motion of Senator Foshee, the election of Mr. Joseph L. Fine was confirmed by the Senate.

Yeas 19 Nays 5

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Mitchem, Owens, Parsons, and Smith (J) -19

Nays:

Senators:

Bailey, deGraffenried, Dixon, Hill, and Lipscomb - 5

POINT OF PERSONAL PRIVILEGE

Senator Bailey requested that the following statement be spread upon the Journal, to wit:

"The members of the Senate express its appreciation to Mr. James D. Loftin, Sr., for his exemplary service to the University of Alabama and the State of Alabama."

REPORTS FROM CONFIRMATIONS RESUMED

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Sidney L. McDonald to the University of Alabama Board of Trustees

On motion of Senator Foshee, the election of Mr. McDonald was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchem, Owens, Parsons, Sanders, Smith (J), and Wilson -25

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Garry Neil Drummond to the University of Alabama Board of Trustees

On motion of Senator Foshee, the election of Mr. Drummond was confirmed by the Senate.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Mitchem, Owens, Parsons, Sanders, Smith (J), and Wilson -23

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Con-

firmations, then reported that said Committee, in session, had acted on the following Election and ordered same returned to the Senate with a favorable report, to-wit:

Election of George S. Shirley to the University of Alabama Board of Trustees

On motion of Senator deGraffenried, the election of Mr. Shirley was confirmed by the Senate.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchem, Owens, Parsons, Sanders, Smith (J), and Wilson -23

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Frank H. Bromberg, Jr. to the University of Alabama Board of Trustees

Senator Horn moved that the election of Mr. Bromberg be postponed until the Third Legislative Day, which motion was lost.

Senator Parsons moved that the election of Mr. Bromberg be rejected by the Senate.

UNANIMOUS CONSENT GRANTED

Senator deGraffenried requested unanimous consent to postpone the consideration of the election of Mr. Frank H. Bromberg, Jr. to the University of Alabama Board of Trustees until after the report of the remaining standing committees of the Senate, which request was granted.

REPORT OF COMMITTEES RESUMED

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn (With Substitute) (With Amendments):

S. 36. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

S. 141. To allow certain appellate judges to purchase credit for active military service up to four years of creditable service in the Judicial Retirement System.

By Senator Mitchell:

S. 138. To amend the title and Section 2 of Act 92-677, H. 29, 1992 Second Special Session, to provide further for the use and dissemination of data maintained in the state judicial information system; to provide for the recoupment of costs for accessing and using the judicial information system and for printing, publication, and distribution of court forms, manuals, pamphlets, and informational materials supplied to individuals, corporations, partnerships, and governmental agencies and departments which are not part of the unified judicial system; and to provide that the proceeds collected from the recoupment of costs shall be deposited in the Court Automation Fund.

By Senator Langford:

S. 91. To amend Section 41-4-113 of the Code of Alabama 1975, relating to procedures for purchase of materials and supplies by state departments.

By Senator Mitchem:

S. 171. To amend Sections 22-5-2, 22-5-4, 22-5-5, and 22-5-6 of the Code of Alabama 1975, relating to the Commission on Physical Fitness; to further provide for the name, powers, meetings, and responsibilities of the Commission on Physical Fitness; to include the support, sponsorship, and co-sponsorship of sports events by the Commission; to include, except for the next executive director and successors, the present employees of the commission under the merit system; to provide for a management coordinator for the commission; and to provide for the effective date.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Waggoner (With Amendment):

S. 155. To establish a program to provide early intervention services for infants and toddlers with disabilities and their families.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 203. To amend Section 36-26-8, Code of Alabama 1975, relating to the duties of the Director of the State Personnel Department, to remove the requirement that the director annually publish the names and addresses of all state employees.

By Senator Smith (J):

S. 110. To amend Section 32-6-150, Code of Alabama 1975, providing for commemorative motor vehicle license plates, to provide that veterans awarded the Purple Heart for being wounded in action may receive a commemorative motor vehicle license plate without the payment of an additional fee.

By Senator Bedsole:

S. 135. Amending Section 41-9-721, Code of Alabama 1975, to provide further for the terms of members of the board of the Alabama Aviation Hall of Fame.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Denton and Bedsole:

S. 146. To create the Cultural Resources Permanent Legislative Oversight Committee.

By Senators Mitchem and Bailey:

S. 154. To authorize county and municipal corporations to allow individuals, civic groups, or community service organizations to maintain abandoned cemeteries and to authorize municipal corporations and counties to remove or cut weeds growing on abandoned cemeteries.

By Senator Foshee:

S. 157. To amend Section 11-6-23, Code of Alabama 1975, relating to the state Highway Department's participation in the salary of county engineer trainees.

By Senator Mitchem:

S. 172. To amend Section 11-52-77 of the Code of Alabama 1975, relating to notice concerning proposed municipal zoning ordinances; to further provide for personal notice to property owners by certified mail in the event an ordinance proposes to rezone property from agricultural use to residential or commercial use.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton (With Substitute):

S. 181. To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, relating to supernumerary tax assessors, tax collectors, revenue commissioners, and license commissioners, to provide for an increase in compensation; to provide further for the method of determining the compensation; to increase the contribution paid by the officials to the supernumerary program; to provide for future increases in compensation and the compensation of surviving spouses of those officials; and to repeal Sections 40-6-5, 40-6-7, and 40-6-8, Code of Alabama 1975.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 118. To prohibit local governments from passing ordinances regulating pesticides.

By Senator Bailey:

S. 174. To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

By Senator Little:

S. 235. To regulate advertisements and solicitation by veterinarians to the general public through the rulemaking authority granted to the Alabama State Board of Veterinary Medical Examiners.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (B) (With Amendment):

S. 165. To authorize and provide for the incorporation by one or more counties or municipalities in the State of one or more federal building authorities as public corporations whose corporate purpose shall be to acquire real and personal property of every description within or without the boundaries of such counties or municipalities, for lease to the United States of America, its departments, agencies, and instrumentalities; to provide for the making, filing, recording and amendment of the Certificate of Incorporation of such authority; to provide for the government of such authority by a board of directors and for the election, appointment, terms, compensation, and removal of the members of such board of directors, and to provide for the holding of regular, special, or other meetings of such board of directors; to provide for the officers of such authority; to provide the general powers of such authority and its board of directors; to authorize such authority to exercise the same power of eminent domain as that appertaining to its authorizing subdivision or subdivisions; to authorize each authorizing subdivision of such authority to lend, donate, or otherwise contribute money to, or perform services for the benefit of, such authority, to donate, convey, transfer or grant to such authority any property of any kind and to enter into contractual agreements with such authority and with other authorizing subdivisions obligating such authorizing subdivision to lend, donate, or otherwise contribute money to, to perform services for the benefit of, and to otherwise provide financial support for, such authority; to authorize the authorizing subdivision or subdivisions of such authority to borrow money to provide financial assistance to such authority; to empower such authority to borrow money and to issue and sell interest-bearing securities and refunding securities, and to provide for the terms and conditions of the sale of such securities; to provide for the source of payment of and the security for such securities and for the

use of proceeds of such securities; to provide that such securities may be secured by a foreclosable mortgage on any properties or assets of such authority; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge made by such authority; to provide that such securities and other contracts entered into by such authority shall not constitute or create a debt of the State or any political subdivision thereof; to authorize the investment of certain funds of such authority; to exempt such authority from all laws of the State governing usury or proscribing or limiting interest rates; to provide that the publication of notice of the adoption of a resolution authorizing the issuance of securities by any such authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such securities or any instrument securing the same; to authorize such authority to make expenditures that would be considered ordinary and necessary expenses of such authority under state income tax law, subject to certain exceptions; to authorize investment by certain persons, corporations, and political subdivision in the securities of such authority; to exempt each such authority and the property, income, securities, and certain conveyances and documents thereof from all taxation by the State or any political subdivision thereof; to exempt the gross proceeds of sales of property used in the construction of projects for an authority from all sales and similar excise taxes in the State, and to exempt such property from all use and similar excise taxes in the State; to exempt each such authority, together with the officers, employees, and members of the board of directors thereof, from certain laws pertaining to competitive bidding; to apply to such authority certain provisions of the Code, as amended, pertaining to tort claims and judgements against local governmental entities; and to provide for the disposition of the earnings of any such authority, its dissolution, and the disposition thereupon of its assets and property.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Owens, Lindsey, Denton, Dixon, and Dial:

S. 206. To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1

through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

Senator Dial, Chairperson of the Standing Committee on Industrial Development and Expansion, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Dial, Little, Mitchem, Hale, Bailey, Bedsole, Amari, Barron, Dixon, Denton, Lindsey, Owens, Mitchell, Floyd, deGraffenried, Parsons, Bennett, Lipscomb, Foshee, Ellis, Langford, Smith (B), Bolling, Horn, Campbell, Smith (J), Waggoner, Hill, and Figures:

S. 140. To amend Section 41-23-1, Code of Alabama 1975, to establish and specify the powers and duties of the Office of Water Resources as a division of the Department of Economic and Community Affairs; establish the Alabama Water Resources Commission and authorize the commission to promulgate rules and regulations for the Office of Water Resources; and authorize civil penalties for violations.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 4. MOURNING THE DEATH OF JOHN LEE BUSKEY OF MONTGOMERY, ALABAMA.

Also:

SJR 5. MOURNING THE DEATH OF MARY GENE DUNWODY BAILEY OF MONTGOMERY, ALABAMA.

Also:

SJR 6. CONGRATULATING THE UNIVERSITY OF ALABAMA ON THE 1992 NATIONAL FOOTBALL CHAMPIONSHIP.

Also:

SJR 7. RECOGNIZING THE OUTSTANDING CONTRIBU-

TIONS OF DAN AND VERA HURST OF DECATUR, ALABAMA.

Also:

SJR 8. DECLARING THE LEGISLATIVE INTENT REGARDING THE PASSAGE OF ACT NO. 90-560.

Also:

SJR 9. COMMENDING MARGIE SUMLIN OF MOBILE, ALABAMA.

Also:

SJR 10. DESIGNATING THE ALABAMA THEATRE FOR THE PERFORMING ARTS AS THE STATE HISTORIC THEATRE.

**GREG PAPPAS,
Clerk.**

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 4. MOURNING THE DEATH OF JOHN LEE BUSKEY OF MONTGOMERY, ALABAMA.

Also:

SJR 5. MOURNING THE DEATH OF MARY GENE DUNWODY BAILEY OF MONTGOMERY, ALABAMA.

Also:

SJR 6. CONGRATULATING THE UNIVERSITY OF ALABAMA ON THE 1992 NATIONAL FOOTBALL CHAMPIONSHIP.

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SJR 7. RECOGNIZING THE OUTSTANDING CONTRIBUTIONS OF DAN AND VERA HURST OF DECATUR, ALABAMA.

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Also:

SJR 9. COMMENDING MARGIE SUMLIN OF MOBILE, ALABAMA.

Also:

SJR 10. DESIGNATING THE ALABAMA THEATRE FOR THE PERFORMING ARTS AS THE STATE HISTORIC THEATRE.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF REPORT FROM CONFIRMATIONS

The Senate proceeded to the further consideration of the election of Mr. Frank H. Bromberg, Jr., to the University of Alabama Board of Trustees. The question was on the motion of Senator Parsons that the election of Mr. Bromberg be rejected by the Senate.

ADJOURNMENT

At 3:05 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, pending further consideration of the election of Mr. Bromberg, upon reaching Reports of Committees, the Standing Committee on Confirmations, the Senate adjourned until Tuesday, February 9, 1993, at 2 o'clock P.M.

THIRD LEGISLATIVE DAY
TUESDAY, FEBRUARY 9, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Doug Ghee, Twelfth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Demetrias Crosby, Baldwin Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

COMMITTEE APPOINTMENT ANNOUNCED

The President and Presiding Officer of the Senate announced that Senator Foshee has been appointed to the following Standing Committee of the Senate, to-wit:

Chairperson - Commerce, Transportation, and Utilities

RESOLUTIONS

Senator Hale offered the following Senate Joint Resolution, to-wit:

SJR 13. RECOMMENDATIONS OF THE ALABAMA LEGISLATIVE COMPENSATION COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in accordance with Act 91-669, the following recommendations of the Alabama Legislative Compensation Commission, as submitted in January, 1993, are hereby adopted:

Compensation of the members of the Alabama legislature shall remain at its current level, except that, the per diem allowance authorized for; while in session, and interim committee meetings and the monthly expense allowance shall be adjusted annually by the amount determined on January 1st of each year of the next quadrennium to be the increase in the consumer price index, as published by the United States Department of Labor, Bureau of Labor Statistics. Once determined on January 1st, as prescribed, the above referenced allowances shall be adjusted to the new amount and paid until such time as the next consumer price index adjustment is determined on January 1st of the succeeding year of the quadrennium.

Which was read and referred to the Standing Committee on Rules.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 14. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of

business taking precedence over all other matters until disposed of for the THIRD Legislative day only.

	Page
S. 90	1
Legislative journals, time for delivery to printer alt., printing and binding time reduced, Secs. 29-1-12, 29-1-13, and 41-4-150 am'd.	
S. 165	16
Counties and municipalities, auth. to estab. authorities to build and lease buildings to the fed. gov't.	
S. 140	17
Water Resources Office, estab. in Economic and Community Affairs Dept., Sec. 41-23-1 am'd.	

On motion of Senator Hale, the Resolution was adopted by the Senate.

UNFINISHED BUSINESS REPORT FROM CONFIRMATIONS

Pursuant to the provisions of Senate Rule 12, the Senate proceeded to consideration of the Unfinished Business for today, which was the election of Mr. Frank H. Bromberg, Jr., to the University of Alabama Board of Trustees. The question was on the motion of Senator Parsons that the election of Mr. Bromberg be rejected by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 13. INVITING COACH PAT DYE TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

Also:

HJR 14. COMMENDING COACH PAT DYE ON HIS ILLUSTRIOUS CAREER AS HEAD COACH AT AUBURN UNIVERSITY.

Also:

HJR 15. MOURNING THE DEATH OF JULIUS S. SWANN, JR., OF GADSDEN, ALABAMA.

Also:

HJR 16. RECOGNIZING LINDA HOWINGTON OF GADSDEN, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

HJR 17. COMMENDING GERTIE M. LOWE OF JACKSONVILLE, ALABAMA.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 12. COMMENDING M. CARL ZIEMKE FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

Also:

HJR 18. COMMENDING MR. AND MRS. JEFF MATTHEWS ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

HJR 25. COMMENDING J. W. PEACOCK OF GENEVA, ALABAMA.

Also:

HJR 27. COMMENDING COACH GENE STALLINGS AND THE UNIVERSITY OF ALABAMA FOOTBALL TEAM, AND INVITING COACH STALLINGS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

Also:

HJR 29. COMMENDING RONALD L. PIERCE OF MOBILE, ALABAMA, FOR DISTINGUISHED PUBLIC SERVICE.

Also:

HJR 30. COMMENDING HILDA BELLINGER GEWIN OF MOBILE, ALABAMA.

Also:

HJR 31. DESIGNATING "ALABAMA TRIO DAY" IN THE STATE OF ALABAMA.

Also:

HJR 32. DESIGNATING MAY 1993 AS THE "MOTOR-CYCLE SAFETY AND AWARENESS MONTH."

Also:

HJR 53. RELATIVE TO MEETING DAYS.

Also:

HJR 55. COMMENDING NEIL O. DAVIS OF AUBURN, ALABAMA, FOR EXTRAORDINARY SERVICE TO THE PRESBYTERIAN COMMUNITY MINISTRY.

Also:

HJR 57. MOURNING THE DEATH OF MRS. MAMIE BROWN OF WARD, ALABAMA.

Also:

HJR 59. MOURNING THE DEATH OF MARY ELBA CAMPBELL OF ANNISTON, ALABAMA.

Also:

HJR 60. NAMING THE "TOM BEVILL HIGHWAY."

Also:

HJR 61. DESIGNATING STATE HIGHWAY 14 IN PICKENS COUNTY, ALABAMA, AS THE "JAMES MCCRORY MEMORIAL HIGHWAY."

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF
REPORT FROM CONFIRMATIONS**

The Senate proceeded to further consideration of the election of Mr. Frank H. Bromberg, Jr., to the University of Alabama Board of Trustees. The question was on the motion of Senator Parsons that the election of Mr. Bromberg be rejected by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Mitchell:

S. 298. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Council on the Arts.

Committee on Finance
and Taxation

By Senator Dial:

S. 299. To authorize certain veterans and active reserve members of the United States Armed Forces to purchase a distinctive motor vehicle license tag; and for this purpose to amend Section 32-6-150, Code of Alabama 1975.

Committee on Industrial
Development and Expansion

By Senator Hale:

S. 300. Relating to funding domestic violence centers; to amend Section 30-6-6 of the Code of Alabama 1975, to remove the requirement that one-half of the funding for facilities must be from local sources.

Select Committee on
Fiscal Responsibility

By Senator Mitchem:

S. 301. To provide that an incorporated municipality may regulate and license junkyards within its police jurisdiction to the same extent as if the junkyard were located in its corporate limits.

Committee on Business
and Labor Relations

By Senator Windom:

S. 302. Relating to any county having a population of 300,000 or more inhabitants, but less than 600,000 inhabitants, according to the 1970 federal decennial census and the police jurisdiction, fire protection, planning commission, or zoning of any municipality in the county; providing that the police jurisdiction, fire protection, planning commission, or zoning of the respective municipality shall be coterminous with the corporate limits of the respective municipalities existing in the county, on the effective date of this act, and amending Sections 11-40-10 and 11-52-30 of the Code of Alabama 1975, for that purpose.

Committee on Governmental
Affairs/Local Government

By Senator deGraffenried:

S. 303. Relating to the Court of Civil Appeals; to create two additional judgeships on the Court of Civil Appeals; to provide for the election of the first judge to fill each judgeship; to provide further for the appellate jurisdiction of the Court of Civil Appeals; and to amend Sections 12-3-1 and 12-3-10 of the Code of Alabama 1975.

Committee on Public Welfare

By Senator deGraffenried:

S. 304. To amend Section 12-2-7, Code of Alabama 1975, to authorize the Supreme Court to transfer to the Court of Civil Appeals certain civil cases appealed to the Supreme Court, and to provide for an effective date.

Committee on Public Welfare

By Senator Waggoner (With Notice and Proof):

S. 305. Relating to Jefferson County, providing for a salary for the statutory chief clerk of the probate court of said county.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 305, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Waggoner and Bennett (With Notice and Proof):

S. 306. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Hoover City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.39 on each one hundred dollars (13.9 mills on each dollar) of assessed value.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 306, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hale:

S. 307. To provide that the interest of a member of a municipal governing body whose spouse is employed by the city board of education is not a special financial interest for purposes of voting on appointments to the city board of education and approving general appropriations for schools.

Select Committee on
Fiscal Responsibility

By Senator Denton:

S. 308. To amend Sections 11-46-5, 11-46-22, 11-46-24, and 17-9-4 of the Code of Alabama 1975, to authorize all municipalities having a general municipal election or run-off election required by general or local act at a time different from the dates now or hereafter provided by Article 2, Chapter 46, Title 11 of the Code of Alabama 1975, to elect by ordinance to have the election at the same time as required by Article 2; to change the date on which the mayor gives

notice of a municipal election; to provide that where electronic voting machines are used in municipal elections, a number of electors not to exceed 1,200 may be assigned to each voting machine; and to provide the time at which the municipal governing body shall appoint election officers.

Committee on Governmental
Affairs/Local Government

By Senator Horn:

S. 309. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Theatre, Alabama Landmarks, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Amari (With Notice and Proof):

S. 310. Relating to Jefferson County; to amend further Section 7 of Act No. 993, H. 1089, 1971 Regular Session, to increase the number of appointments to the board of directors of the county transit authority made by the county commission, and to provide for the initial terms of office of the new directors.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 310, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Horn:

S. 311. To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal year beginning October 1, 1993.

Committee on Finance
and Taxation

By Senator Foshee:

S. 312. To establish and provide for the "Tuition Guaranty

Fund" in the State Treasury to reimburse students or entities which make loans to students of certain proprietary (for profit) postsecondary educational institutions which close prior to earning the tuition collected from their students.

Committee on Finance
and Taxation

By Senator deGraffenried:

S. 313. To provide for the regulation and licensure of athletic trainers; to provide for an Athletic Trainers' Board; to prescribe civil procedures for appeals; and to prescribe fines and penalties for the violation of this act.

Committee on Governmental
Affairs/State Administration

By Senator Amari:

S. 314. To amend Sections 41-9-741, 41-9-742, and 41-9-744, Code of Alabama 1975, to provide further for the composition of the membership, election of new members, and a quorum for certain meetings of the Alabama Senior Citizens Hall of Fame.

Committee on Governmental
Affairs/State Administration

By Senator Parsons (With Notice and Proof):

S. 315. Relating to Jefferson County; regulating the operation of tanning facilities; requiring the safe and sanitary operation of tanning devices; and prescribing criminal and administrative penalties.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 315, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Bedsole and Floyd:

S. 316. To provide that the Alabama Coalition Against Domestic Violence, Incorporated, shall establish standards for domestic violence shelters for membership in the coalition; and to provide that domestic

violence shelters within the State of Alabama that meet the standards shall be eligible for receiving state funds.

Committee on Judiciary/Civil

By Senator Dial:

S. 317. Relating to Cleburne, Randolph, and Clay Counties, creating the Emerald Triangle Commission and prescribing its duties and powers.

Committee on Local
Legislation No. 1

By Senators deGraffenried and Waggoner:

S. 318. To provide for the regulation and licensure of athletic trainers; to provide for an Athletic Trainers' Board; to prescribe civil procedures for appeals; and to prescribe fines and penalties for the violation of this act.

Committee on Public Welfare

By Senator Parsons (With Notice and Proof):

S. 319. Relating to Jefferson County; regulating persons practicing the art of tattooing; and prescribing criminal and administrative penalties.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 319, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Floyd:

S. 320. To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

Committee on Finance
and Taxation

By Senator Dial:

S. 321. Allowing certain retired judges of probate to qualify for maximum disability pension benefits under the Judicial Retirement Fund by using certain service as a circuit clerk and to provide for the cost of any increased benefits.

Committee on Finance
and Taxation

By Senator Bennett:

S. 322. To amend Section 16-39-2, Code of Alabama 1975, relating to the education of exceptional children, so as to delete the term socially maladjusted as a categorical condition that establishes eligibility for special education placement in public schools.

Committee on Education

By Senator Parsons (With Notice and Proof):

S. 323. To amend Act No. 1272, H. 620, 1973 Regular Session, as amended, to provide a means of withdrawal for the Jefferson County Board of Health's active, retired, and vested employees, or designated survivors, if applicable, from the City of Birmingham Retirement and Relief System; to provide a means for the board employees to become members of the Employees' Retirement System of Alabama; to provide for the termination of the applicability of article 9, section 2 of the act, as the provisions apply to board of health employees who become members of the state retirement system; and to provide for transfer of funds between the retirement systems.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 323, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Floyd:

S. 324. To amend Section 6-5-462 of the Code of Alabama 1975, relating to survival of a claim by and against a personal representative in proceedings not of an equitable nature.

Committee on Judiciary/Civil

By Senator Horn:

S. 325. To amend Section 11-63-1 of the Code of Alabama 1975, relating to financial assistance for certain municipal public corporations, to provide further for the appointment of the directors.

Select Committee on
Fiscal Responsibility

By Senators Waggoner and Horn:

S. 326. To amend Section 41-9-450, Code of Alabama 1975, providing for the Alabama Sports Hall of Fame Board, to increase the membership of the board from 10 to 14 members and give the Lieutenant Governor and the Speaker of the House each an appointment to the board.

Committee on Industrial
Development and Expansion

By Senator Floyd:

S. 327. To provide for auditing of the books, accounts, and records of county commissions, county offices, county officers, and other political subdivisions or entities of a county by independent certified public accountants in lieu of other examinations and audits; to provide for the payment of costs and standards for the audits; and to provide that the audits shall be in accordance with procedures promulgated by the Chief Examiner of Public Accounts.

Select Committee on
Fiscal Responsibility

By Senator Horn:

S. 328. To make an appropriation to the Department of Public Health from the Alabama Legacy for Environmental Research Trust for the fiscal year ending September 30, 1993.

Select Committee on
Fiscal Responsibility

By Senator Campbell:

S. 329. To amend Section 11-24-1, Code of Alabama 1975, which authorizes a county to regulate lot size, streets, drainage, and utilities in proposed subdivisions and to authorize additions to proposed subdivisions in a county to regulate manufactured home parks; to provide

that counties may employ inspectors and charge inspection fees from the owners of property inspected; and to provide for criminal penalties for violations of Chapter 24 of Title 11 of the Code of Alabama 1975, and any rules or regulations made pursuant to the chapter.

Committee on Governmental
Affairs/Local Government

By Senators Owens, Dial, and Ellis:

S. 330. To provide for a cost-of-living increase for certificated and non-certificated education personnel in the public schools; to provide for an increase in the minimum number of contract days and instructional days for education personnel; to provide for an increase in the salary schedule for all personnel at the Alabama Institute for Deaf and Blind, the Department of Youth Services School System, the Junior College System, and the Technical College System for the fiscal year beginning October 1, 1993.

Committee on Public Welfare

By Senators Owens, Bedsole, Dial, Bailey, Waggoner, Bolling, Mitchem, deGraffenried, Smith (J), Ellis, Lipscomb, Barron, Floyd, Windom, Foshee, Hill, Hale, Smith (B), and Dixon:

S. 331. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; to provide for the rebuttable presumptions of good faith.

Committee on Public Welfare

By Senator Foshee:

S. 332. To amend Sections 27-40-1, 27-40-8, 27-40-12, 27-40-15 and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorization for designated agents; to require premium finance agreements to contain certain information; to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; to provide for time limits for the return of unearned premiums; and to provide where the amount of premium financed shall be sent.

Committee on Banking
and Insurance

By Senator Bolling:

S. 333. To establish and provide for the "Tuition Guaranty

Fund" in the State Treasury to reimburse students or entities which make loans to students of certain proprietary (for profit) postsecondary educational institutions which close prior to earning the tuition collected from their students.

Committee on Education

By Senator Bolling:

S. 334. To provide for certain crimes and offenses relating to animals and research, agricultural, or educational facilities relating to animals; and to provide penalties, restitution, and injunctive relief.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Foshee:

S. 335. To further provide for preference given to Alabama persons, firms, or corporations in the awarding of public contracts subject to the State Competitive bid law and to amend Section 41-16-27, Code of Alabama 1975.

Committee on Small Business

By Senator Windom:

S. 336. Relating to any county having a population of 300,000 inhabitants or more, but less than 600,000 inhabitants, according to the 1970 federal decennial census and the jurisdiction of the planning commission of any municipality in the county; providing that the jurisdiction of the planning commissions of the respective municipalities shall be coterminous with the corporate limits of the respective municipalities existing on the effective date of this bill and amending Sections 11-40-10 and 11-52-30 of the Code of Alabama 1975, for that purpose.

Committee on Governmental
Affairs/Local Government

By Senator Windom:

S. 337. Relating to motor vehicles; to prohibit inducing the buyer of a motor vehicle pursuant to a retail installment contract or the lessee of a motor vehicle pursuant to a lease contract from subleasing the motor vehicle without certain consent; to prohibit the offering for hire of motor vehicles subleased in violation of this act; and to provide penalties.

Committee on Small Business

By Senator Windom:

S. 338. To amend Section 15-19-1 of the Code of Alabama 1975, relating to the consideration of persons charged with a crime committed during minority for the treatment as a youthful offender, to further provide for denial of youthful offender status solely on consideration of an offense charged in an indictment when the offense charged is a Class A felony.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Windom:

S. 339. To amend Sections 22-24-1, 22-24-4, 22-24-5, and 22-24-8, Code of Alabama 1975, relating to water well standards, so as to provide further for the licensing of well drillers and to repeal Section 22-24-12, Code of Alabama 1975, which exempts Baldwin County from the chapter.

Committee on Governmental
Affairs/Local Government

By Senators Ellis, Mitchem, Bolling, Bedsole, Little, Bennett, Smith (B), Dial, Waggoner, Hale, Windom, Floyd, Foshee, Lipscomb, Hill, and Owens:

S. 340. To provide that carjacking is a crime, provide for different classes of carjacking, and further provide for a penalty for persons convicted of carjacking.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Little:

S. 341. To amend Section 6-10-7 of the Code of Alabama 1975, as amended by Act No. 92-681, S. 52, 1992 Second Special Session (Acts 1992), relating to payment of fund received by the court pursuant to a writ of garnishment.

Committee on Judiciary/Civil

By Senator Little:

S. 342. To amend Section 15-10-3, Code of Alabama 1975, relating to arrests without warrants, to include within the offenses and circumstances in which arrests may be made without a warrant the

instance when an officer has reason to believe a crime has been committed on school property by the person arrested.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Bolling:

S. 343. To amend Section 36-21-7, Code of Alabama 1975, relating to the reimbursement of mandated training costs when one governmental entity hires certain employees from another governmental entity within a certain period.

Committee on Finance
and Taxation

By Senator Smith (B):

S. 344. To provide for a construction industry craft training education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Training Board; and to impose a construction permit surcharge to fund a construction industry craft training program.

Committee on Governmental
Affairs/State Administration

By Senator Owens:

S. 345. To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, relating to municipal business licenses, to increase the issuance fee for the license and to increase the penalty for engaging in a business or vocation without a license.

Committee on Governmental
Affairs/State Administration

By Senator Ellis:

S. 346. To amend Section 36-27-6, Code of Alabama 1975, to prescribe terms and conditions whereby certain employees of state or county agencies and departments may become members of the Employees' Retirement System of Alabama.

Committee on Finance
and Taxation

By Senators Owens, Mitchem, Bolling, Dial, Waggoner, Bedsole, Dixon, Windom, Smith (J), Smith (B), and Bailey:

S. 347. To enact into law the current common law doctrine

known as the Alabama Extended Manufacturer's Liability Doctrine and limit causes of action against distributors, wholesalers, dealers, or retail sellers of products which are alleged to be defective to those situations in which a party is also the manufacturer, assembler of the product, or the maker of a component part of the final product.

Committee on Judiciary/Civil

By Senator Ghee:

S. 348. Providing for registered nurses in public schools and providing for certain funding.

Committee on Finance
and Taxation

By Senator Wilson:

S. 349. To amend Sections 15-12-1 and 15-12-25, Code of Alabama 1975, relating to the defense of indigents, to define further the term "indigent defense system" to include the use of a contract counsel system; to provide for and authorize a contract counsel system for use in each county for providing indigent defense services by one or more attorneys, law firms, associations, corporations, or partnerships, pursuant to one or more contracts with the circuit indigent defense commission, approved by the presiding circuit judge; to provide for compensation under each contract to be set by the circuit indigent defense commission, subject to review by the Administrative Director of Courts, and approval by the State Comptroller; and to provide that certain sections of this act shall not be construed to supersede any provision of the Alabama Rules of Criminal Procedure or any other provision of law relating to public defenders.

Committee on Judiciary/Civil

By Senator Bailey:

S. 350. Exempting certain agencies and councils of government on aging from paying certain taxes on vans and other motor vehicles used to transport senior citizens.

Committee on Finance
and Taxation

By Senator Bailey:

S. 351. To provide that upon the death of a state employee his or her beneficiary shall be entitled to payment of one-half of the

deceased employee's accrued and unused sick leave.

Committee on Finance
and Taxation

By Senator Barron:

S. 352. To amend Section 37-3-4, Code of Alabama 1975, by providing further for the exemption of motor carriers who transport property in open top dump vehicles.

Committee on Commerce,
Transportation, and Utilities

By Senator Hale:

S. 353. To amend Section 41-9-591, Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center; to authorize certain user fees for the system; to create a special account for those fees in the State Treasury; to provide for the use of the fees only for the use of the system; and provide that fees levied and collected prior to the effective date of this act are retroactively validated and confirmed.

Committee on Judiciary/Criminal
Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Butler:

H. 71. To authorize one or more counties and municipalities in the state to create public corporations to acquire real and personal property for lease to the United States of America, its departments, agencies, and instrumentalities; to provide that counties and municipalities forming such public corporations may lend, donate, or contribute money and services to such public corporations, may enter into contracts obligating counties and municipalities to lend, donate, or contribute money to the public corporations, and may borrow money for the purpose of making loans, donations, or contributions; to provide for the powers and duties of the public corporation, including the power to issue bonds; and to provide for a termination date.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 71 - to the Committee on Public Welfare

**FURTHER CONSIDERATION OF
REPORT FROM CONFIRMATIONS**

The Senate proceeded to further consideration of the election of Mr. Frank H. Bromberg, Jr., to the University of Alabama Board of Trustees. The question was on the motion of Senator Parsons that the election of Mr. Bromberg be rejected by the Senate.

On motion of Senator deGraffenried, the motion to reject was laid on the table.

And on motion of Senator deGraffenried, the election of Mr. Bromberg was confirmed by the Senate.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., SB 90, adopted.

Yeas 25 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (B), Waggoner, and Windom -25

Nay: Senator Amari

- 1

**SPECIAL ORDER
BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount,

and continuing order of business for today, the first of which was the Bill:

S. 90. Amending Sections 29-1-12, 29-1-13, and 41-4-150, Code of Alabama 1975, providing for the time period for the preparation, delivery, and distribution of the journals of the House of Representatives and the Senate.

And said Bill, SB 90, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

RESOLUTION

Senator Ellis requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 15. COMMEMORATING THE CENTENNIAL OF THE LEGISLATION CREATING THE UNIVERSITY OF MONTEVALLO.

WHEREAS, on February 21, 1893, the Legislature passed and Governor Thomas G. Jones signed an act to create a higher educational institution for women which later became Alabama College and now the University of Montevallo; and

WHEREAS, the centennial of this legislation will be observed on Thursday, February 18, 1993, in a 9:00 a.m. ceremony in the House of Representatives chamber of the restored Capitol where one hundred years ago the Legislature of Alabama deemed it appropriate to reform education by providing for instruction for women; and

WHEREAS, the Legislature is cognizant of the pioneering work of the University of Montevallo throughout this past century and applauds its faculty, students, trustees, alumni, staff and administration for their endeavors to be faithful to its legislative mission as Alabama's public liberal arts university; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby pub-

licly acknowledge and memorialize the efforts of Senator Solomon Bloch of Wilcox County, Representative John McQueen of Jefferson County, Miss Julia Tutwiler, and others who were instrumental in securing the passage of the legislation adopted on February 21, 1893, creating the university which became the University of Montevallo.

BE IT FURTHER RESOLVED, That we do hereby designate February 18, 1993, as an official day of celebration of this historic occasion and join the Board of Trustees, President Robert M. McChesney, faculty, staff, students, alumni and friends in observing this special time.

RESOLVED FURTHER, That the presiding officer of each house be authorized to extend brief privileges of the floor for the President and his official delegation to be presented and accept a copy of this resolution on February 18, 1993, or at such other time as the presiding officer shall deem appropriate.

On motion of Senator Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Smith (B), B.I.R., SB 165, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), and Waggoner -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 165. To authorize and provide for the incorporation by one or more counties or municipalities in the State of one or more federal building authorities as public corporations whose corporate purpose shall be to acquire real and personal property of every description within or without the boundaries of such counties or municipalities, for lease to the United States of America, its departments, agencies, and instrumentalities; to provide for the making, filing, recording and amendment of the Certificate of Incorporation of such authority; to provide for the government of such authority by a board of directors and for the

election, appointment, terms, compensation, and removal of the members of such board of directors, and to provide for the holding of regular, special, or other meetings of such board of directors; to provide for the officers of such authority; to provide the general powers of such authority and its board of directors; to authorize such authority to exercise the same power of eminent domain as that appertaining to its authorizing subdivision or subdivisions; to authorize each authorizing subdivision of such authority to lend, donate, or otherwise contribute money to, or perform services for the benefit of, such authority, to donate, convey, transfer or grant to such authority any property of any kind and to enter into contractual agreements with such authority and with other authorizing subdivisions obligating such authorizing subdivision to lend, donate, or otherwise contribute money to, to perform services for the benefit of, and to otherwise provide financial support for, such authority; to authorize the authorizing subdivision or subdivisions of such authority to borrow money to provide financial assistance to such authority; to empower such authority to borrow money and to issue and sell interest-bearing securities and refunding securities, and to provide for the terms and conditions of the sale of such securities; to provide for the source of payment of and the security for such securities and for the use of proceeds of such securities; to provide that such securities may be secured by a foreclosable mortgage on any properties or assets of such authority; to provide a method for giving constructive notice of any mortgage, security interest, assignment, or pledge made by such authority; to provide that such securities and other contracts entered into by such authority shall not constitute or create a debt of the State or any political subdivision thereof; to authorize the investment of certain funds of such authority; to exempt such authority from all laws of the State governing usury or proscribing or limiting interest rates; to provide that the publication of notice of the adoption of a resolution authorizing the issuance of securities by any such authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such securities or any instrument securing the same; to authorize such authority to make expenditures that would be considered ordinary and necessary expenses of such authority under state income tax law, subject to certain exceptions; to authorize investment by certain persons, corporations, and political subdivision in the securities of such authority; to exempt each such authority and the property, income, securities, and certain conveyances and documents thereof from all taxation by the State or any political subdivision thereof; to exempt the gross proceeds of sales of property used in the construction of projects for an authority from all sales and similar excise taxes in the State, and to exempt such property from all use and similar excise taxes in the State; to exempt each such authority, together with the officers, employees, and members of the board of directors thereof, from certain laws pertaining to competitive bidding; to apply to such authority certain provisions of the Code, as amended, pertaining to tort claims and judgements against local govern-

mental entities; and to provide for the disposition of the earnings of any such authority, its dissolution, and the disposition thereupon of its assets and property.

was taken up.

The Standing Committee on Public Welfare reported the following amendment to the Bill, SB 165, to-wit:

AMENDMENT TO SB 165

Amend Senate Bill No. 165, on Page 13, Line 29, as follows:

after the period, insert the following language: No elected official may serve as a director.

On motion of Senator Smith (B), said amendment was laid on the table.

Senator Smith (B) then offered the following substitute for the Bill, SB 165, to-wit:

SUBSTITUTE FOR SB 165

A BILL TO BE ENTITLED AN ACT

To authorize one or more counties and municipalities in the state to create public corporations to acquire real and personal property for lease to the United States of America, its departments, agencies, and instrumentalities; to provide that counties and municipalities forming such public corporations may lend, donate, or contribute money and services to such public corporations, may enter into contracts obligating counties and municipalities to lend, donate, or contribute money to the public corporations, and may borrow money for the purpose of making loans, donations, or contributions; to provide for the powers and duties of the public corporation, including the power to issue bonds; and to provide for a termination date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is the intent of the Legislature to authorize the several counties and municipalities in the state effectively to form public corporations whose corporate purpose shall be to provide buildings, facilities, and other property for lease to and use by the United States of America, its departments, agencies, and instrumentalities, to invest those public corporations with all powers that may be necessary to enable them

to accomplish that purpose, and to authorize each county and municipality forming each public corporation to provide financial support and to take other action as may be necessary to enable the public corporation to carry out the purposes of this act. This act shall be liberally construed in conformity with this intent.

Section 2. The following words and phrases shall be given the following respective interpretations:

(1) **APPLICANT.** A natural person who files a written application with the governing body of a county or municipality, or two or more thereof, in accordance with Section 3.

(2) **AUTHORITY.** A public corporation organized pursuant to this act.

(3) **AUTHORIZING RESOLUTION.** A resolution adopted by the governing body of an authorizing subdivision in accordance with Section 3, that authorizes the incorporation of an authority under this act.

(4) **AUTHORIZING SUBDIVISION.** Each county and municipality with the governing body of which an application for the incorporation of an authority under this act is filed.

(5) **BOARD.** The board of directors of an authority.

(6) **BONDS.** Any bonds authorized to be issued by an authority hereunder, including refunding bonds.

(7) **CODE.** The Code of Alabama 1975.

(8) **COUNTY.** Any county in the state.

(9) **DIRECTOR.** A member of the board of an authority.

(10) **FEDERAL SECURITIES.** Direct obligations of the United States of America for the payment of which the full faith and credit of the United States of America is pledged, or obligations issued by a person controlled or supervised by and acting as an instrumentality of the United States of America, the payment of the principal of, premium, if any, and interest on which is fully and unconditionally guaranteed as a full faith and credit obligation by the United States of America.

(11) **FISCAL YEAR.** A fiscal year of an authorizing subdivision.

(12) **GOVERNING BODY.** With respect to a county, its county

commission or other like governing body, and with respect to a municipality, its city or town council, board of commissioners, or other like governing body.

(13) **INCORPORATOR.** The persons forming a public corporation organized pursuant to this act.

(14) **INDENTURE.** A mortgage, mortgage indenture, mortgage and trust indenture, or trust indenture executed by an authority as security for any of its securities.

(15) **LEGISLATURE.** The Legislature of the state.

(16) **MUNICIPALITY.** An incorporated city or town of the state.

(17) **PRINCIPAL OFFICE.** The place at which the certificate of incorporation and amendments thereto, the by-laws and the minutes of the proceedings of the board of an authority are kept.

(18) **PROJECT.** Any land and any buildings or other improvements thereon and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the United States.

(19) **SECURITIES.** Bonds, notes, warrants, certificates of indebtedness, or other evidences of indebtedness, including, without limiting the generality of the foregoing, notes issued in anticipation of the sale of any of the foregoing.

(20) **STATE.** The State of Alabama.

(21) **UNITED STATES.** The United States of America or any of its departments, agencies, or instrumentalities.

Section 3. (a) In order to incorporate an authority pursuant to this act, any number of natural persons, not less than three, each of whom is a duly qualified elector of the county or municipality with the governing body of which an application is filed, or if there is more than one, at least one thereof, shall first file a written application with the governing body of any county or municipality, or any two or more thereof, which application shall:

(1) Recite the name of each county and municipality with the governing body of which the application is being filed.

(2) Contain a statement that the applicants propose to incorporate an authority pursuant to this act.

(3) State the proposed location of the principal office of the authority, which shall be within the boundaries of the county or municipality with the governing body of which the application is filed, or, if there is more than one, at least one thereof.

(4) State that each of the applicants is a duly qualified elector of the county or municipality with the governing body of which the application is filed, or, if there is more than one, at least one thereof.

(5) Request that the governing body of the county or municipality adopt a resolution declaring that it is wise, expedient, and necessary that the proposed authority be formed, approving its certificate of incorporation, and authorizing the applicants to proceed to form the proposed authority by the filing for record of a certificate of incorporation in accordance with Section 4. Every application shall be accompanied by the form of certificate of incorporation of the proposed authority and by other supporting documents or evidence the applicants may consider appropriate.

(b) As promptly as may be practicable after the filing of the application in accordance with this section, the governing body of each county and municipality with which the application was filed shall review the contents of the application and the accompanying form of certificate of incorporation, and shall adopt a resolution either denying the application or declaring that it is wise, expedient, and necessary that the proposed authority be formed, approving the form of its certificate of incorporation, and authorizing the applicants to proceed to form the proposed authority by the filing for record of the certificate of incorporation in accordance with Section 4. The governing body of each county and municipality with which the application is filed shall also cause a copy of the application, and accompanying documents, to be included in the resolution or otherwise spread upon or made a part of the minutes of the meeting of the governing body at which final action upon the application is taken. No authority shall be formed unless the application required by this section is made and unless an authorizing resolution for which provision is made in this section is adopted by each authorizing subdivision.

Section 4. (a) Within 60 days following the adoption of the authorizing resolution, or, if there is more than one, the last adopted thereof, the applicants shall proceed to incorporate an authority by filing for record, in the office of the judge of probate of the county in which the principal office of the authority is to be located, a certificate of incorporation complying in form and substance with this action, being in the form and executed in the manner herein provided and being in the form approved by the governing body of each authorizing subdivision.

(b) In addition to any other provisions required by this act to be

included therein, the certificate of incorporation of an authority shall state:

(1) The names of the incorporators, together with the address of the residence of each thereof, and that each of them is a duly qualified elector of the authorizing subdivision, or, if there is more than one, at least one thereof.

(2) The name of the authority, which shall be "The _____ Federal Building Authority," with the insertion of the name of one or more of the authorizing subdivisions, unless the Secretary of State determines that the name is identical to the name of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty, in which case the incorporators may insert additional identifying words to eliminate the duplication or similarity or adopt some other similar name that is available.

(3) The period for the duration of the authority, if the duration is to be perpetual, subject to Section 24, that fact shall be stated.

(4) The name of each authorizing subdivision together with the date on which the governing body thereof adopted an authorizing resolution.

(5) The location of the principal office of the authority, which shall be within the boundaries of the authorizing subdivision, or, if there is more than one, at least one thereon.

(6) That the authority is organized pursuant to this act.

(7) If the exercise by the authority of its powers is to be in any way prohibited, limited, or conditioned, a statement of that prohibition, limitation, or condition.

(8) The number of directors, which shall be an odd number not less than three, the duration of their respective terms of office, which shall not be in excess of six years, and, subject to Section 6, the manner of their election or appointment.

(9) Any provisions, not inconsistent with Section 24, relating to the vesting of title to its assets and properties upon its dissolution.

(10) Any other matters relating to the authority that the incorporators may choose to insert and that are not inconsistent with this act or with the laws of the state.

(c) The certificate of incorporation shall be signed and acknowledged by each of the incorporators before an officer authorized by the

laws of the state to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it a certified copy of each authorizing resolution and a certificate by the Secretary of State that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty. Upon the filing for record of the certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the authority shall come into existence and shall constitute a public corporation under the name set forth in its certificate of incorporation. The judge of probate shall record the certificate of incorporation in an appropriate book in his or her office and send a notice to the Secretary of State that the certificate of incorporation of the authority has been filed for record.

Section 5. (a) The certificate of incorporation of any authority incorporated under this act may at any time, and from time to time, be amended, but only in the manner provided in this section. The board shall first adopt a resolution proposing an amendment to the certificate of incorporation of the authority, which amendment shall be set forth in full in the resolution and which amendment may include any matters that might have been included in the original certificate of incorporation.

(b) After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the authority, the chair of the board and the secretary of the authority shall sign and file, with the governing body of each authorizing subdivision, a written application in the name and on behalf of the authority, requesting the governing body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the resolution adopted by the board proposing the amendment to the certificate of incorporation, together with such documents in support of the application as the chair may consider appropriate. As promptly as may be practicable after the filing of the application with the governing body of an authorizing subdivision, the governing body shall review the application and shall adopt a resolution either denying the application or approving and authorizing the proposed amendment. The governing body of each authorizing subdivision with which any application is filed shall also cause a copy of the application and all accompanying documents to be included in the resolution or otherwise spread upon or made a part of the minutes of the meeting of the governing body at which final action upon the application is taken.

(c) Within 60 days following the adoption of a resolution approving the proposed amendment by the governing body of the authorizing subdivision, or, if there is more than one, the last adopted of the approving resolutions, the chair of the board and the secretary of the authority shall sign and file for record in the office of the judge of

probate of the county in which the certificate of incorporation of the authority was originally filed a certificate in the name and on behalf of the authority reciting the adoption of the respective resolutions by the board and by the governing body of each authorizing subdivision and setting forth the proposed amendment. The judge of probate shall thereupon record the certificate in an appropriate book in his or her office. When the certificate has been filed and recorded, the amendment shall become effective, and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment.

Section 6. (a) Each corporation shall be governed by a board of directors composed of the number of directors provided in the certificate of incorporation as most recently amended. Unless provided to the contrary in its certificate of incorporation, all powers of the authority shall be exercised by the board or pursuant to this authorization. Subject to the provisions of subdivision (8) of subsection (b) of Section 4, the board shall consist of directors having those qualifications, being elected or appointed by that person or persons, including, without limitation, the board itself, one or more authorizing subdivisions, or other counties and municipalities, and other entities or organizations and in the manner, and serving for the terms of office, all as shall be specified in the certificate of incorporation of the authority. Notwithstanding the foregoing, no fewer than a majority of the directors shall be elected by the governing body or bodies of one or more of the authorizing subdivisions and the certificate of incorporation of each authority shall contain provisions having this effect. Directors elected or appointed by a municipality shall be nominated by the mayor and confirmed by the governing body of the municipality. Directors elected or appointed by a county shall be nominated by the chair of the county commission and confirmed by the governing body of the county. No elected official may serve as a director.

(b) If, at the expiration of any term of office of any director, a successor has not been elected or appointed, then the director whose term of office has expired shall continue to hold office until a successor has been elected or appointed. If at any time there is a vacancy on the board, whether by death, resignation, incapacity, disqualification, or otherwise, a successor director to serve for the unexpired term applicable to the vacancy shall be elected or appointed by the person or persons who elected or appointed the predecessor director. Any director, irrespective of by whom elected or appointed, shall be eligible for reelection or reappointment.

(c) Each director shall serve without compensation but shall be reimbursed for expenses actually incurred in and about the performance of his or her duties. A majority of the directors shall constitute a quorum for the transaction of business, but any meeting of the board may be adjourned from time to time by a majority of the directors present.

No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. The board shall hold regular meetings at such times, if any, as may be provided in the by-laws of the authority, may hold other meetings at any time and from time to time upon such notice as may be required by the by-laws of the authority, and shall upon call of the chair of the board, or a majority of the total number of directors, hold a special meeting. Whenever any notice is required by the by-laws of the authority to be given of any meeting of the board, a waiver thereof in writing, signed, whether before or after the meeting, by the person or persons entitled to notice, shall be the equivalent to the giving of notice. The board shall be subject to the provisions of Section 13A-14-2, Code of Alabama 1975. Any matter on which the board is authorized to act may be acted upon at any regular, special, or called meeting. At the request of any director, the vote on any question before the board shall be taken by yeas and nays and entered upon the record. All resolutions adopted by the board shall constitute actions of the authority, and all proceedings of the board shall be reduced to writing, signed by the secretary of the authority, and recorded in a well-bound book. Copies of proceedings, when certified by the secretary of the authority, under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

(d) Any director may be impeached and removed from office in the same manner and on the same grounds provided in Section 175 of the Constitution of Alabama of 1901 and the general laws of the state for impeachment and removal of the officers mentioned in Section 175.

Section 7. The officers of an authority shall consist of a chair of the board, a vice-chair of the board, a secretary, a treasurer, and such other officers as the board deems necessary or desirable. The chair and the vice-chair of the board shall be elected by the board from its membership but neither the secretary, the treasurer, nor any of the other officers of the authority need be a director. The offices of secretary and treasurer may, but need not be, held by the same person. The officers of the authority shall be elected by the board for such terms as it deems advisable. The duties of the chair of the board, the vice-chair of the board, the secretary, and the treasurer shall be those that are customarily performed by those officers and as may be prescribed by the board. The duties of any other officers of the authority shall be those that are from time to time prescribed by the board.

Section 8. (a) In addition to all other powers granted elsewhere in this act, and subject to the express provisions of its certificate of incorporation, an authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

- (1) To have succession by its corporate name for the duration of

time, which may be in perpetuity, specified in its certificate of incorporation, or until dissolved as provided in Section 24.

(2) To sue and be sued in its own name in civil suits and actions, and to defend suits and actions against it, subject, however, to Chapter 93 of Title 11 of the Code of Alabama 1975, which chapter is hereby made applicable to the authority.

(3) To adopt, alter, amend, and repeal by-laws, regulations, and rules for the regulation and conduct of its affairs and business.

(4) To adopt and make use of a corporate seal and to alter the same at pleasure.

(5) To acquire, whether by purchase, construction, exchange, gift, lease, or otherwise and to improve, maintain, equip, and furnish one or more projects, including all real and personal properties which the board deems necessary in connection therewith, regardless of whether any projects are then in existence, at such place or places, within and without the boundaries of its authorizing subdivisions, as it considers necessary or advisable.

(6) To lease or otherwise make available its projects or other of its properties or assets, with or without charge, to the United States or to one or more of its authorizing subdivisions, for sublease to the United States, on such terms as the board deems appropriate, to charge and collect rent or other fees or charges therefor, if any, and to terminate any lease or other agreement upon the failure of the lessee or other party to comply with any of its obligations thereunder.

(7) To receive, acquire, take, and hold, whether by purchase, gift, transfer, foreclosure, lease, devise, option, or otherwise, real and personal property of every description, or any interest therein, and to manage, improve, and dispose of the same by any form of legal conveyance or transfer. Notwithstanding the foregoing, the authority shall not, without the prior approval of the governing body of each authorizing subdivision, dispose of all or substantially all its assets. The foregoing provision shall not be construed to require the prior approval of any governing body for the mortgage or pledge of all or substantially all its assets or for the foreclosure of any mortgage or sale or for any sale or other disposition thereunder.

(8) To mortgage, pledge, or otherwise convey its property and its revenues from any source, including, without limitation, any amounts payable to the authority by an authorizing subdivision in accordance with an agreement entered into pursuant to Section 10.

(9) To borrow money in order to provide funds for any lawful

corporate function, use, or purpose and, in evidence of such borrowing, to sell and issue interest-bearing securities in the manner provided and subject to the limitations set forth in this act.

(10) To pledge for payment of any of its securities its revenues from any source, including, without limitation, any amounts payable to the authority by an authorizing subdivision in accordance with an agreement entered into pursuant to Section 10, and to mortgage or pledge any or all of its projects or other assets or properties or any part or parts thereof, whether then owned or thereafter acquired, as security for the payment of the principal of and the interest and premium, if any, on any securities so issued and any agreements made in connection therewith.

(11) To enter into agreements with any person, firm, or corporation for the management by the person, firm, or corporation on behalf of the authority of any of its projects or other properties or for the more efficient or economical performance of clerical, accounting, administrative, and other functions relating to its projects or other properties.

(12) To make all needful or appropriate rules and regulations for the conduct of any properties owned or operated by it and to alter those rules and regulations.

(13) To provide for any insurance the business of the authority requires.

(14) To receive and accept from any source aid or contributions in the form of money, property, labor, or other things of value, to be held, used and applied to carry out the purposes of this act, subject to any lawful condition upon which any aid or contributions may be given or made.

(15) To enter into contracts with, to accept aid, loans, and grants from, to cooperate with, and to do any and all things not specifically prohibited by this act or the Constitution of Alabama of 1901, that may be necessary to avail itself of the aid and cooperation of the United States of America, the state, any county or municipality, or any agency, instrumentality, or political subdivision of any of the foregoing in furtherance of the purposes of this act; to give such assurances, contractual or otherwise, to or for the benefit of any of the foregoing as may be required in connection with, or as conditions precedent to the receipt of, any such aid, loan, or grant; and to take other action not in violation of law necessary to qualify the authority to receive funds appropriated by any of the foregoing.

(16) To give assurances, contractual or otherwise, and to make commitments and agreements necessary or desirable to preclude the exercise of any rights of recovery with respect to, or the forfeiture of title

to, any of its projects or other property or any project or other property proposed to be acquired by it.

(17) To assume any obligations of any entity that conveys and transfers to the authority any project or other property, or interest therein, provided that those obligations appertain to the project, property, or interest so conveyed and transferred to the authority.

(18) To appoint, employ, contract with, and provide for the compensation of, such employees and agents, including but not limited to, architects, attorneys, consultants, engineers, accountants, financial experts, fiscal agents, and other advisers, consultants, and agents as the business of the authority may require.

(19) To invest, in any trust fund established under and subject to the general laws of the state for investment or self-insurance purposes with investment authority as may be authorized by law for such trusts, any funds of the authority available therefor.

(20) To the extent permitted by its contracts with the holders of its securities, to purchase securities out of any of its funds or moneys available therefor and to hold, cancel, or resell those securities.

(21) To make any expenditure of any moneys under its control that would, if the authority were generally subject to state corporate income taxation, be considered an ordinary and necessary expense of the authority within the meaning of Section 40-18-35, Code of Alabama 1975, and applicable regulations promulgated thereunder.

(22) To enter into such contracts, agreements, leases, and other instruments, and to take such other actions, as may be necessary or convenient to accomplish any purpose for which the authority was organized or to exercise any power expressly granted hereunder.

(b) The Legislature declares that no expenditure permitted by subdivision (21) of subsection (a) of this section to be made by or on behalf of an authority shall be considered to be a lending of credit or a granting of public money or thing of value to or in aid of any individual, association, or corporation within the meaning of any constitutional or statutory provision. Nothing herein contained shall be construed as prohibiting or rendering unlawful any otherwise lawful expenditure made by or on behalf of an authority, solely because that expenditure is not expressly permitted by the terms of subdivision (21).

Section 9. An authority shall have, in addition to all other powers granted elsewhere in this act, the same power of eminent domain as is vested by law in any authorizing subdivision, in the same manner, and under the same conditions as are provided by law for the exercise of the power of eminent domain by the authorizing subdivision.

Section 10. (a) In addition to all other powers that an authorizing subdivision may have with respect to an authority, any authorizing subdivision may, with or without consideration and on such terms as its governing body may deem advisable:

(1) Lend, donate, or otherwise contribute money to, or perform services for the benefit of, an authority.

(2) Donate, convey, transfer, lease, or grant to an authority any property of any kind.

(3) Enter into contractual agreements with an authority and with other authorizing subdivisions obligating the authorizing subdivision to lend, donate, or otherwise contribute money to, perform services for the benefit of, and to otherwise provide financial support for an authority.

(4) Issue securities of the authorizing subdivision to provide moneys to make any loan, donation, or contribution provided for in subdivisions (1), (2), and (3) of this subsection.

(b) The obligation of an authorizing subdivision to lend, donate, or otherwise contribute money to an authority in accordance with an agreement entered into pursuant to the power granted in subdivision (3) of subsection (a) of this section shall constitute a general obligation of the authorizing subdivision, which may pledge its full faith and credit for the performance of the obligation. The amounts to be paid and the agreements to be performed by the authorizing subdivision under the agreement during any fiscal year during which the agreement is in effect shall be payable solely out of the current revenues of authorizing subdivision for that fiscal year.

(c) Any securities issued by an authorizing subdivision pursuant to subdivision (4) of subsection (a) of this section may be either general obligations of the authorizing subdivision or special obligations payable solely from a specified source or sources, which source or sources may include any revenues, or portions thereof, which the authorizing subdivision may lawfully use for that purpose. The authorizing subdivision may pledge for payment of the principal of and interest on any securities that are general obligations any revenues that may lawfully be used for that purpose and may pledge for the benefit of any special obligations issued by it so much as may be necessary for the payment of the revenues from which the special obligations are made payable. Any securities shall be in the form or forms and denomination or denominations, may bear such rate or rates of interest payable and evidenced in such manner, and may have such maturities of principal all as may be provided by ordinance or resolution adopted by the governing body of the issuing authorizing subdivision. Any securities issued by a municipality shall also be subject to and shall be issued in accordance with such provisions

of Articles 1 and 2 of Chapter 81 of Title 11 of the Code of Alabama 1975, as may be applicable to the securities. Any securities issued by a county shall also be subject to and shall be issued in accordance with such provisions of Chapter 28 of Title 11 of the Code of Alabama 1975, as may be applicable to the securities.

Section 11. Securities of an authority may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturity or maturities not exceeding 40 years from their date, shall bear such rate or rates of interest, which may be fixed or which may float or vary based on some index or other standard deemed appropriate by the board, shall be payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain other provisions not inconsistent with this act, all as may be provided by the resolution of the board authorizing the same or by the indenture under which those securities are authorized to be issued. Any borrowing may be effected by the issuance and sale of securities at either public or private sale in such manner, at such price or prices, at such time or times, and on such other terms and conditions as may be determined by the board to be most advantageous to the authority.

Section 12. (a) An authority may at any time, and from time to time, sell and issue its refunding securities for the purpose of refunding the principal of and interest on any then outstanding securities of the authority, whether or not the securities shall have matured or be redeemable at the option of the authority at the time of the refunding, and for the payment of any expenses incurred in connection with the refunding and any premium or other sum necessary to be paid to redeem or retire the securities so to be refunded. The principal amount of securities that the authority may at any time issue for refunding purposes shall not exceed the sum of the following:

(1) The outstanding principal or face amount of the securities refunded thereby.

(2) The unpaid interest accrued or to accrue thereon to their respective maturities, or, in the event the securities to be refunded, or any part thereof, are to be retired prior to their respective maturities, the interest accrued or to accrue thereon to the date or dates on which they are to be retired.

(3) Any premium or other sum necessary to be paid to redeem or retire the securities to be refunded, but only if the securities are in fact to be redeemed or retired prior to their respective maturities.

(4) The expenses estimated to be incurred in connection with the refunding.

The authority may also at any time, and from time to time, sell and issue its securities for the combined purpose of refunding any of its securities and of obtaining funds for any other purpose for which it is authorized by this act to sell and issue securities, in which event the provisions of this act relating to refunding securities shall apply only to those securities issued for refunding purposes.

(b) The principal proceeds derived by the authority from the sale of any refunding securities shall be used only for the payment of the principal of and the interest and premium on the securities being refunded and for payment of the expenses referred to in the preceding subdivision (4) of subsection (a) of this section. Notwithstanding the foregoing, if, in the judgment of the board, it is necessary or desirable to effect an advantageous refunding, a portion of the proceeds may be used for payment of principal of and interest on the refunding securities themselves and the remainder of the proceeds for payment of the securities being refunded and of the expenses. Any portion of the proceeds that shall at the time not be needed therefor, may be invested in those investments specified in Section 20 of this act.

(c) Any refunding may be effected either by sale of refunding securities and the application of the proceeds thereof as provided in subsection (b) of this section, or by exchange of the refunding securities for the securities to be refunded thereby, or by any combination thereof. Notwithstanding the foregoing, the holders of any securities to be refunded shall not be compelled without their consent to surrender their securities for payment or exchange prior to the date on which they may be paid or redeemed by call of the authority under their respective provisions. All provisions of this act pertaining to securities of the authority that are not inconsistent with this section shall, to the extent applicable, also apply to refunding securities issued by the authority and to securities issued by the authority for both refunding and other purposes.

Section 13. All securities of an authority shall be signed in the name and on behalf of the authority by the chair or vice-chair of the board, and the seal of the authority shall be affixed thereto and attested by its secretary or an assistant secretary. Notwithstanding the foregoing, a facsimile of the signature of one or both of the officers whose signature will appear on the securities may be imprinted or otherwise reproduced on any thereof in lieu of manually signing the same, but in the event both signatures are imprinted or otherwise reproduced thereon in facsimile, the securities shall be authenticated on behalf of the registrar therefor by a manual signature. A facsimile of the seal of the authority may be imprinted, or otherwise reproduced, on any securities in lieu of being manually affixed thereto. If after any securities shall be so signed, whether manually or by facsimile, and any officer shall, for any reason, vacate office, the securities so signed may nevertheless be delivered at any time thereafter as the act and deed of the authority.

Section 14. (a) Securities issued by an authority shall not be general obligations of the authority but shall be payable solely out of the revenues from any project or other properties or assets, including, without limitation, proceeds from the securities, investment income and insurance, and condemnation proceeds, owned by it, all as may be provided or specified in the resolution of the board authorizing the securities or the indenture under which issued. The principal of and interest, and premium, if any, on any securities issued by the authority shall be secured by a pledge of the revenues out of which the same are payable and may be secured by an indenture conveying as security for the securities all or any part of its property, which indenture may be subject to foreclosure.

(b) Any indenture executed on behalf of the authority and any resolution of the board authorizing the issuance of securities may contain such agreements as the board may deem advisable respecting the operation and maintenance of the properties of the authority, the application and use of any revenues out of which any securities are payable, the rights or duties of the parties to the instrument or the parties for the benefit of whom the instrument is made, and the rights and remedies of the parties in the event of default. It may also contain provisions restricting the individual rights of action of the holders of any securities. Any indenture may be filed in the office of the judge of probate of any county in which any of the property, real, personal, or mixed, subject to the lien thereof is, or is anticipated to be, located, and the lien of the indenture shall, with respect to all personal property and fixtures subject thereto, including after-acquired property, and notwithstanding any contrary provisions of, and without compliance with, the Alabama Uniform Commercial Code, Title 7, Code of Alabama 1975, be valid and binding against all parties having claims of any kind against the authority, irrespective of whether the parties have actual notice thereof, from the time the indenture is so filed. Any pledge of any revenues shall be valid and binding from the time it is made, and the revenues so pledged and thereafter received by the authority shall immediately become subject to the lien of the pledge without any physical delivery thereof or further act. The lien of that pledge shall, notwithstanding any contrary provisions of the Alabama Uniform Commercial Code, Title 7, Code of Alabama 1975, and without compliance with the provisions thereof, be valid and binding against all parties having claims of any kind against the authority, irrespective of whether the parties have actual notice thereof, from the time there is filed in the office of the judge of probate of the county in which the principal office of the authority is located a notice stating the date on which the resolution authorizing the issuance of the securities was adopted by the board, the principal amount of the securities issued, a brief description of the revenues so pledged, and a brief description of any property the revenues from which are so pledged. Issuance by any authority of one or more series of securities for one or more purposes shall not preclude it from issuing other secu-

rities, but the resolution or indenture under which any subsequent securities may be issued shall recognize and protect any prior pledge or mortgage made for the benefit of any prior issue of securities unless in the proceedings authorizing the prior issue the right was reserved to issue subsequent securities on a parity with that prior issue. The trustee under any indenture may be a trust company or bank having trust powers, whether located within or without the state, and may be selected by the board without regard to Chapter 25 of Title 36 of the Code of Alabama 1975.

Section 15. (a) The principal proceeds derived from any borrowing made by an authority shall be used solely for the purpose or purposes for which the borrowing was authorized to be made. If any securities are issued for the purpose of financing costs of acquiring, constructing, improving, enlarging, and equipping a project, those costs shall be deemed to include the following:

(1) The cost of any land forming a part of the project.

(2) The cost of the labor, materials, and supplies used in any construction, improvement, or enlargement, including architectural and engineering fees and the cost of preparing contract documents advertising for bids.

(3) The purchase price of, and the cost of installing, equipment for the project.

(4) The cost of landscaping the lands forming a part of the project and of constructing and installing roads, sidewalks, curbs, gutters, utilities, and parking facilities in connection therewith.

(5) Legal, accounting, publishing, printing, fiscal and recording fees, and expenses incurred in connection with the authorization, sale, and issuance of the securities issued in connection with the project; bond discount, commission, or other financing charges; fees and expenses of financial advisers and planning and management consultants; the cost of any feasibility studies deemed necessary or advisable in connection with the issuance and sale of the securities; the amount of any debt service reserve that the board deems necessary or advisable to be funded out of the proceeds from the sale of the securities; and any other expenses as shall be necessary or incident to the borrowing.

(6) Interest on the securities for a reasonable period prior to the commencement of the construction and equipment of the project, or of any improvements or additions being financed, in whole or in part, out of the proceeds from the sale of the securities, and during the period estimated to be required for the construction and equipment and for a period of not more than two years after the completion of the construction and equipment.

(7) The reimbursement to itself, or to its general fund or any one or more of its other funds, to any authorizing subdivision or other county or municipality, and to any other public agency, authority, or body, of any funds advanced, to, or for the benefit of, the authority or any projects owned by it, in anticipation of the issuance of securities by the authority, including the amount of any interest paid or incurred on any borrowings made for the purpose of obtaining funds to advance to, or for the benefit of, the authority or the project.

(8) The amount of such reserves for the payment of debt service on any securities and for the maintenance, repair, replacement, improvement, and enlargement of any of its projects and other properties as the board deems advisable.

(b) Any portion of the principal proceeds derived from any borrowing not needed for any of the purposes for which the borrowing was authorized to be made shall be applied and used:

(1) For retirement of the securities issued in evidence of the borrowing.

(2) For payment of the interest thereon.

(3) For payment into one or more special funds created for payment of principal or interest, or both, or for the creation of reserves for the payment of debt service, or for maintenance, repair, replacement, improvement, or enlargement of the project with respect to which the securities were issued.

(4) For any combination thereof, all as shall be specified in the indenture under which the securities are issued or in the resolution of the board authorizing any borrowing.

Section 16. All agreements and obligations undertaken, and all securities issued, by an authority shall be solely and exclusively an obligation of the authority and shall not create an obligation or debt of the state, any authorizing subdivision, or any other county or municipality within the meaning of any constitutional or statutory provision. The faith and credit of the state, any authorizing subdivision, or any other county or municipality shall never be pledged for the payment of any securities issued by an authority. The state, any authorizing subdivision, or any other county or municipality shall not be liable in any manner for the payment of the principal of, or interest on, any securities of an authority or for the performance of any pledge, mortgage, obligation, or agreement of any kind whatsoever that may be undertaken by an authority.

Section 17. Securities issued under this act are hereby made legal

investments for savings banks and insurance companies organized under the laws of the state. Unless otherwise directed by the court having jurisdiction thereof or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in securities of an authority. The governing body of any authorizing subdivision, or any county or municipality in which any project of an authority may be situated, may, in its discretion, invest in securities of the authority any idle or surplus money held in its treasury which is not otherwise earmarked or pledged.

Section 18. An authority shall be exempt from all laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, Chapter 8 (commencing with Section 8-8-1) of Title 8 of the Code of Alabama 1975.

Section 19. Any resolution authorizing any securities under this act may contain a recital that they are issued pursuant to this act, which recital shall be conclusive evidence that the securities have been duly authorized pursuant to this act, notwithstanding any other law now in force or hereafter enacted or amended. Upon the adoption by the board of any resolution providing for the issuance of securities, the authority may cause to be published once a week for two consecutive weeks in a newspaper published in the county in which the principal office of the authority is located, or, if there is no newspaper, then in a daily newspaper published in the state, a notice in substantially the following form, with any appropriate changes, to the extent applicable and with the blanks being properly filled in:

"_____, a public corporation and instrumentality under the laws of the State of Alabama, has authorized the issuance of \$ _____ principal amount of securities of the said authority to be dated _____ for purposes authorized in Act No. ____ enacted at the ____ Regular Session of the Legislature of Alabama. Any action or proceeding questioning the validity of the securities, or the pledge [and any indenture] to secure the same, must be commenced within 20 days after the first publication of this notice.

By [here insert name of the Authority]
Chair of its Board of Directors

Any action or proceeding in any court to set aside or question the validity of the proceedings for the issuance of the securities referred to in the notice or to contest the validity of any securities, the validity of any pledge made therefor, or the validity of any indenture with respect thereto shall be commenced within 20 days after the first publication of the notice. After the expiration of that period, no right of action or defense

questioning or attacking the validity of the proceedings, the securities, any pledge herein authorized, or any indenture shall be asserted, nor shall the validity of the proceedings, securities, pledge, or indenture be open to question in any court on any ground whatsoever except in an action commenced within that period.

Section 20. (a) To the extent permitted by the contracts of the authority with the holders of its securities and if not otherwise specifically prohibited by any other provision of this act, the authority may invest any portion of the principal proceeds derived from the sale of any of its securities which is not then needed for any of the purposes for which the securities were authorized to be issued, the moneys held in any special fund created pursuant to any resolution or indenture authorizing or securing any of its securities, and any other moneys of the authority not then needed by it, in any of the following:

- (1) Federal securities.
 - (2) Any debt securities that are direct obligations of any agency of the United States of America.
 - (3) Interest-bearing bank time deposits and interest-bearing bank certificates of deposit.
 - (4) Money market funds whose investments are restricted to federal securities.
 - (5) Repurchase agreements with respect to federal securities.
- (b) Any securities, time deposits, or certificates of deposit in which any investment is made may, at any time, and from time to time, be sold or otherwise converted into cash. The income derived from those investments shall be disbursed on order of the board for any purpose for which the authority may lawfully expend funds.

Section 21. All properties of an authority, whether real, personal, or mixed, and the income therefrom, all securities issued by an authority and the income therefrom, and all indentures and other instruments executed as security therefor, all leases made pursuant to this act and all revenues derived from such leases, and all deeds and other documents executed by or delivered to an authority shall be exempt from any and all taxation by the state, or by any county, municipality, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an authority may engage. An authority shall not be obligated to pay or allow any fees, taxes, or costs to the judge of probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document. The

gross proceeds of the sale of any property used in the construction and equipment of any project for an authority, regardless of whether the sale is to the authority or any contractor or agent thereof, shall be exempt from the sales tax imposed by Article 1 (commencing with Section 40-23-1) of Chapter 23 of Title 40 of the Code of Alabama 1975, and from all other sales and similar excise taxes now or hereafter levied on or with respect to the gross proceeds of any sale by the state or any county, municipality, or other political subdivision or instrumentality thereof. Any property used in the construction and equipment of any project for an Authority, regardless of whether the property has been purchased by the authority or any contractor or agent thereof, shall be exempt from the use tax imposed by Article 2 (commencing with Section 40-23-60) of Chapter 23 of Title 40 of the Code of Alabama 1975, and all other use and similar excise taxes now or hereafter levied on or with respect to any property by the state or any county, municipality, or other political subdivision or instrumentality of thereof.

Section 22. Articles 2 (commencing with Section 41-16-20) and 3 (commencing with Section 41-16-50) of Chapter 16 of Title 41 of the Code of Alabama 1975, shall not apply to any authority, the members of its board, or any of its officers or employees.

Section 23. An authority shall be a public corporation or authority and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm, or corporation, except that in the event the board shall determine that sufficient provision has been made for the full payment of the expenses, securities, and other obligations of the authority, then any portion, as determined by the board, of the net earnings of the authority thereafter accruing may, in the discretion of the board, be paid to one or more of its authorizing subdivisions.

Section 24. At any time when the authority does not have any securities outstanding, and when there shall be no other obligations assumed by the authority that are then outstanding, the board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the authority shall be dissolved. Upon the filing for record of a certified copy of the resolution in the office of the judge of probate of the county in which the certificate of incorporation of the authority was filed, the authority shall thereupon stand dissolved. In the event that the authority owned any assets or property at the time of its dissolution, the title to all its assets and property shall, subject to any constitutional provision to the contrary, vest in one or more counties or municipalities in such manner and interests as may be provided in the certificate of incorporation. If the certificate of incorporation contains no provision respecting the vesting of title to the assets and property of the authority, title to all assets and property shall, subject to any constitutional provision to the contrary, vest in its authorizing subdivisions as tenants in common.

Section 25. The formation or dissolution of one authority shall not prevent the subsequent incorporation of another authority pursuant to the authority granted by one or more of the same authorizing subdivisions.

Section 26. Any authority organized under this act shall, insofar as the subject matter of this act is concerned, be governed exclusively by this act, which shall not be construed in pari materia with any other statute.

Section 27. This act shall not be construed as a restriction or limitation upon any power, right, or remedy which any county, municipality, or public corporation now in existence or hereafter formed may have in the absence of this act. The provisions of this act are cumulative and shall not be deemed to repeal existing laws, except to the extent those laws are clearly inconsistent with this act.

Section 28. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 29. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. Notwithstanding the foregoing sentence, this bill shall terminate and its provisions shall become null and void unless a contract has been signed by the United States and an authority established pursuant to this act by December 31, 1994.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Ghee, Hale, Hill, Langford, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (B), Waggoner, Wilson, and Windom -24

Nays:

- 0

And said Bill, SB 165, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 32 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett,

deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -32

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., SB 140, adopted.

Yeas 28 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -28

Nays:

Senators:

Amari, Corbett, and Wilson - 3

BILLS ON THIRD READING RESUMED

THE BILL:

S. 140. To amend Section 41-23-1, Code of Alabama 1975, to establish and specify the powers and duties of the Office of Water Resources as a division of the Department of Economic and Community Affairs; establish the Alabama Water Resources Commission and authorize the commission to promulgate rules and regulations for the Office of Water Resources; and authorize civil penalties for violations.

was taken up.

Senator Corbett offered the following amendment to the Bill, SB 140, to-wit:

AMENDMENT TO SB 140

On page 2, line 13, add an underlined subsection (a) preceding the paragraph on that line.

On page 3, immediately after line 2, add the following new underlined subsection (b):

"(b) The Office of Water Resources, a division of the Department

of Economic and Community Affairs, shall be subject to the Alabama Sunset Law and shall be classified as an enumerated agency under Section 41-20-3 and shall terminate October 1, 1994, and each four years thereafter unless continued as provided in the Sunset Law."

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 165. To authorize one or more counties and municipalities in the state to create public corporations to acquire real and personal property for lease to the United States of America, its departments, agencies, and instrumentalities; to provide that counties and municipalities forming such public corporations may lend, donate, or contribute money and services to such public corporations, may enter into contracts obligating counties and municipalities to lend, donate, or contribute money to the public corporations, and may borrow money for the purpose of making loans, donations, or contributions; to provide for the powers and duties of the public corporation, including the power to issue bonds; and to provide for a termination date.

DON HALE,
Chairperson.

FURTHER CONSIDERATION OF SB 140

The Senate proceeded to further consideration of the Bill, SB 140. The question was on the Corbett amendment.

On motion of Senator Corbett, said amendment was laid on the table.

Senator Dial offered the following amendment to the Bill, SB 140, to-wit:

AMENDMENT TO SB 140

Amend Senate Bill 140, Page 16, Line 21, by striking the following words:

"the state at-large"

and insert in lieu thereof the following:

"a list of five candidates submitted by a statewide organization representing soil and water conservation districts in the state."

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom -28

Nays:

- 0

Senator Corbett offered the following amendment No. 2, to the Bill, SB 140, as amended, to-wit:

AMENDMENT NO. 2 TO SB 140, AS AMENDED

On page 2, line 13, add an underlined subsection (a) preceding the paragraph on that line.

On page 3, immediately after line 2, add the following new underlined subsection (b):

"(b) The Office of Water Resources of the Department of Economic and Community Affairs shall be subject to the Alabama Sunset Law and shall be classified as an enumerated agency under Section 41-20-3 and shall terminate October 1, 1995, and each four years thereafter unless continued as provided in the Sunset Law."

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 140, as amended, and pending amendment No. 2, was postponed subject to the call of the Chair.

RESOLUTION

Senator Bolling offered the following Senate Joint Resolution, to-wit:

SJR 16. RECOGNIZING THE CITY OF HALEYVILLE'S "EMERGENCY 911" SERVICE, AND MR. BILL FREY.

WHEREAS, twenty-five years ago a new era of providing emergency service was ushered in with the creation of the "Emergency 911" service; and

WHEREAS, the first "Emergency 911" service in the nation was developed by the Independent Alabama Telephone Company, a member of the Continental System; and

WHEREAS, Bill Frey, then manager of the Alabama Telephone Company, engineered the first operational "Emergency 911" system in the nation -- a service that began in Haleyville, Alabama, on Friday, February 16, 1968, with a demonstration call from Alabama Representative Rankin Fite of Hamilton, Alabama, at Haleyville's City Hall, with the call being answered by U.S. Representative Tom Bevill of Jasper at Haleyville's Police Department; and

WHEREAS, this historic call began service that now serves the nation, and has saved countless thousands of lives during the past twenty-five years; and

WHEREAS, numerous men and women in the nation have conscientiously answered thousands of emergency calls during the past twenty-five years, and provided fast assistance as well as needed assurance to victims of accidents, crime and illness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize with great pride the City of Haleyville's "Emergency 911" system, the first such service in the nation, and the Silver Anniversary of this historic occasion calls for tribute to be paid to the men and women who have devoted their time and energy to the saving of lives and property.

BE IT FURTHER RESOLVED, That for his dedication to the development of this vital service, and as the engineer of the "Emergency 911" system, we hereby most highly commend Bill Frey, to whom a copy of this resolution shall be presented, with a copy also provided for display by the City of Haleyville.

On motion of Senator Bolling, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF SB 140

The Senate proceeded to further consideration of the Bill, SB 140, as amended. The question was on the Corbett amendment No. 2.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

**REGULAR SESSION
3rd Day**

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SJR 4

SJR 7

SJR 9

SJR 5

SJR 8

SJR 10

SJR 6

Delivered to the Governor, February 9, 1993 at 4:06 P.M.

**McDOWELL LEE,
Secretary of Senate.**

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:45 P.M., on motion of Senator Corbett, pending further consideration of the Bill, SB 140, as amended, the Senate adjourned until Wednesday, February 10, 1993, at 11 o'clock A.M.

FOURTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 10, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Don Hale, Fourth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Charles Williams, Baldwin Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Hale, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Hale, leave of absence was granted Senator Horn for today.

RESOLUTION

Senator Corbett requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 17. NAMING THE "ROBERT J. 'MAC' McALISTER BRIDGE" IN RUSSELL COUNTY, ALABAMA.

WHEREAS, Robert J. "Mac" McAlister served for more than 20 years as Conservation Officer with the Game and Fish Division of the Alabama Department of Conservation in Russell County; and

WHEREAS, throughout his career, Game Warden McAlister performed his duties in a highly professional manner through strict and fair enforcement of the law; he also evidenced concern for both hunters and citizens alike, was deeply committed to the preservation of our environment, and was instrumental in the development and implementation of hunter safety programs in Russell County; and

WHEREAS, he further provided assistance to other law enforcement agencies, including the Sheriff's Office, State Troopers and ABC Agents, and in all ways contributed greatly to the good and well-being of the county and its residents; and

WHEREAS, Mac McAlister, since his retirement on July 1, 1992, due to disability, has continued to promote and provide support for the betterment of his community, and it is the desire of his fellow Russell Countians, and the Legislature, that the contributions and achievements of this exemplary citizen be acknowledged in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of Robert J. McAlister, we hereby name and designate the Uchee Creek bridge on Highway 165, structure 165-57-0192 at mile post 25.52 in Russell County, Alabama, as the "Robert J. 'Mac' McAlister Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are

hereby authorized to erect appropriate signs and markers identifying the "Robert J. 'Mac' McAlister Bridge," and that a copy of this resolution be presented to Mr. McAlister as a memento of this honorary designation of the Legislature.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

NOTICE IN WRITING

Senator Mitchell requested and received permission to suspend the Rules in order to offer the following Notice in Writing, to-wit:

NOTICE IN WRITING

Notice is hereby given in accordance with the Senate Rules that on the next legislative day when the Senate reaches motions and resolutions a motion will be made to create a new Senate Rule No. 41.1 to read as follows:

Rule 41.1. There shall be no smoking or other use of tobacco on the floor of the Senate.

This rule shall become effective May 18, 1993.

Which was read and ordered filed with the Secretary.

REPORT OF THE JUDICIAL COMPENSATION COMMISSION TO THE 1993 REGULAR SESSION OF THE ALABAMA LEGISLATURE

The State Judicial Compensation Commission met on January 8, 1993 in Montgomery, Alabama and hereby files its report to the 1993 Regular Session of the Legislature of the State of Alabama.

The Commission is aware of the disparity in the compensation of state judges caused by local supplements which range from zero to 45 percent of the state base pay. We report to the Legislature that this Commission has requested the Chief Justice, as Chairman of the Judicial Conference, to direct the Judicial Conference to study the matter of equalizing the pay of state judges and to recommend to this Commission a means by which this disparity can be rectified and the salaries of all state judges can be equalized within each rank of the judiciary without reducing the pay or benefits of any sitting judge.

The Commission considered the matter of recommending the salary to be paid from the state treasury for all judges except probate and municipal judges.

It is therefor recommended to the Legislature that the salaries of justices of the Supreme Court and the judges of the appellate and district courts, which are paid from the state treasury, be fixed as heretofore designated by Act 111 of the 1990 Regular Session of the Alabama Legislature; and that the salaries of the circuit court judges to be paid from the state treasury be fixed as follows:

Circuit Court Judges

-\$72,500 plus whatever percentage increase or upward pay adjustment is enacted for state employees generally at the 1993 Regular Session of the Legislature of the State of Alabama. This salary shall become effective on October 1, 1993.

ADOPTED by the affirmative vote of the below named members of the State Judicial Compensation Commission.

CHAS. R. ADAIR, JR.,
Chairman.

FINIS E. ST. JOHN, IV,
WILLIAM C. THOMPSON,
BROOX G. GARRETT, JR.

Which was read and ordered filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Starkey:

HJR 5. INVITING PRESIDENT CLINTON TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, William Clinton has been inaugurated as the 42nd President of the United States; and

WHEREAS, the State of Alabama anticipates with confidence that President Clinton will provide the strong leaderships necessary to lead our country forward; and

WHEREAS, President Clinton, as a President from our own region, has a special knowledge and understanding of the problems and opportunities of Alabama and other area states; and

WHEREAS, the Alabama Legislature would be honored to have President Clinton address the Legislature in joint session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most cordially invite President Clinton to address a joint session of the Alabama Legislature at a time and date to be set at his convenience.

BE IT FURTHER RESOLVED, That President Clinton be advised, by a copy of this resolution, of our request and that we are hopeful of his acceptance.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 5, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Campbell, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 33. INVITING CONGRESSMAN TOM BEVILL TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we hereby request Congressman Tom Bevill address the Alabama Legislature on February 23, 1993, at 1:30 p.m., and that we convene in joint session at that hour to hear his remarks concerning the five Advance Technology Centers being built across the state through a cooperative state and federal program and the effect the centers will have on the future development of the state, training of the workforce, and the attraction of new industry and jobs.

BE IT FURTHER RESOLVED, That Congressman Bevill be advised, by copy of this resolution, of our invitation to address the Legislature and our hopeful anticipation of his acceptance.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 33, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Hooper:

HJR 68. COMMENDING WILL HILL TANKERSLEY OF MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

HJR 69. MOURNING THE DEATH OF RICHARD COLLINS BELSER OF MONTGOMERY, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, HJR's 68 and 69, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Perdue, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghy:

HJR 9. MOURNING THE DEATH OF JOHN LEE BUSKEY OF MONTGOMERY, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 9, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Knight (A) and Hill:

HJR 64. COMMENDING ERIC CHRISTOPHER CROWE UPON HIS ACHIEVEMENT OF THE RANK OF EAGLE SCOUT.

Also:

By Rep. Richardson:

HJR 65. COMMENDING GLEN HICKS, HEAD COACH AT NORTH SAND MOUNTAIN HIGH SCHOOL.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried the Rules were suspended and the Resolutions, HJR's 64 and 65, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Campbell, Clark (J), Fuller, McMillan, Laird, Drake, Blakeney, Powell, Hooper, Curry, Richardson, Carothers, Freeman, Hall, Bryant, Sanderford, Knight (A), Smith (C), Smith (R), Turnham, Harper, Rockhold, Walker, Butler, Rogers (F), Bugg, Mikell, Turner, Collins, Parker (T), McDaniel, Clay, Rich, Venable, Goodwin, Thomas, Cagle, Hill, Haney, Black (M), Hamilton, Poole, Millican, Box, Melton, Kvalheim, Zoghby, McKee, Hogan, Johnson, Newton (C), Higginbotham, Crow, Gaston, McClain, Flowers, Carter, Layson, Holley, Petelos, Sanderson, Gaines, Gullatt, Willis, Williams, Bowling, McDowell, Warren, Newton (D), Ford, Cullins, Dolbare, Morrow, Mathis, Hammett, Burke, Morton, Perdue, Carns, Harvey, Starkey, Grayson, Kennedy, Clark (W), and Letson:

H. 144. To amend Section 41-23-1, Code of Alabama 1975, to establish and specify the powers and duties of the Office of Water Resources as a division of the Department of Economic and Community Affairs; establish the Alabama Water Resources Commission and authorize the commission to promulgate rules and regulations for the Office of Water Resources; and authorize civil penalties for violations.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 144 - to the Committee on Industrial Development and Expansion

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 223. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 223 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 285. To repeal Section 8 and amend Section 9 of Act No. 227, H. 605, 1992 Regular Session, relating to an increase in the fees and costs in circuit and district courts; to delete certain provisions relating to the termination of the fee increases; to make an appropriation to the unified judicial system for the trial courts for the fiscal year ending September 30, 1993.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 285 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE OF ALABAMA CONCURRING, That when the two houses recess Tuesday, February 2, 1993, in the Alabama State House that the two houses convene again at 6:30 p.m. on February 2, 1993, in the House of Representatives Chamber on the second floor of the Alabama State Capitol, 600 Dexter Avenue, in a joint session for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a committee to escort the Governor to the joint session of the two houses.

And the Speaker has appointed as a committee on the part of the House, Representatives Mikell, Laird, and Turner.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 3, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Rep. Rogers (J):

HJR 20. ESTABLISHING THE YOUTH GANG VIOLENCE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Continuing Youth Gang Violence Commission for the purpose of addressing the existing problems and potential problems of youth gangs in and around the state. The commission shall be composed of nine members as follows: the Attorney General, the Speaker of the House, and the Lieutenant Governor shall each appoint one member of the commission; in addition, the District Attorneys of Jefferson County, Madison County, Mobile County, and Montgomery County, the Police Chief of the City of Birmingham, and the Sheriff of Jefferson County, or their designees, shall be members of the commission. The chair of the commission shall be a member of the House of Representatives of the State of Alabama.

BE IT FURTHER RESOLVED, That the duty and function of the commission shall include, but not be limited to, reviewing state and federal laws relating to youth gang violence; proposing state legislation regarding gang violence issues for consideration by the Governor and the Legislature; proposing and implementing educational and prevention programs on gang violence; and supervising all state level initiatives and efforts to eliminate and further prevent youth gang violence. The commission shall seek information and advice from the representatives of agencies and organizations that provide services to youths.

RESOLVED FURTHER, That the commission shall meet at the time and place designated by the chair, who shall be responsible for its administrative and operational functioning and who is empowered to take all actions necessary to keep it functioning efficiently and effectively and shall have, in this regard, all rights and privileges accorded commissions under Alabama regulations and laws. All major programs and initiatives of the commission must be approved by a majority of the membership in actual attendance at the meeting in which such programs and initiatives are decided. The total expenses of the commission shall not exceed five thousand dollars (\$5,000). The Secretary of the Senate and the Clerk of the House shall provide the commission with clerical assistance upon the request of the chair.

FURTHER RESOLVED, That the commission shall submit a report of its findings and recommendations by the fifteenth legislative day of the 1994 Regular Session, and shall be dissolved.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 20, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Layson, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 21. DESIGNATING THURSDAY, MAY 6, 1993, AND THE FIRST THURSDAY OF EACH MAY, AS ALABAMA DAY OF PRAYER.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 21, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be appointed to notify the Governor of Alabama that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has appointed as a committee on the part of the House, Representatives Mikell, Laird, and Turner.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 2, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. White, Morrow, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable,

Walker, Warren, Williams, Willis, and Zoghby:

HJR 7. COMMENDING ALABAMA NATIVE, SONNY JAMES, FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 7, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Curry, Spratt, Sanderson, Hawkins, Escott-Russell, Perdue, Rogers (F), Biddle, Carns, Rogers (J), Newton (D), Morton, Petelos, Barns, Gaines, McClain, McDowell, and Payne:

HJR 66. DESIGNATING THE ALABAMA THEATRE FOR THE PERFORMING ARTS AS THE STATE HISTORIC THEATRE.

Also:

By Reps. Willis, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, and Zoghby:

HJR 67. COMMENDING THE 1992 JACKSONVILLE STATE

UNIVERSITY FOOTBALL TEAM, HEAD COACH BILL BURGESS AND HIS STAFF ON THEIR NCAA DIVISION II FOOTBALL NATIONAL CHAMPIONSHIP.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, HJR's 66 and 67, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Morrow, Millican, Harper, McMillan and Powell:

HJR 6. RECOGNIZING LOONEY'S TAVERN ENTERTAINMENT COMPLEX, AND DESIGNATING "THE INCIDENT AT LOONEY'S TAVERN" AS ALABAMA'S OFFICIAL OUTDOOR MUSICAL DRAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 6, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gullatt:

HJR 26. DECLARING THE LEGISLATIVE INTENT REGARDING THE PASSAGE OF ACT NO. 90-560.

WHEREAS, the Legislature passed Act No. 90-560 during the 1990 Regular Session of the Legislature; and

WHEREAS, Section 1 of the act entitled any circuit clerk, who was appointed to the office prior to the beginning of the term of office, to purchase prior service credit toward supernumerary status retroactively to the beginning of the term upon satisfying the conditions prescribed in Section 12-17-144, Code of Alabama 1975, for purchasing the prior service credit; and

WHEREAS, it was the intent of the Legislature in providing for a circuit clerk to purchase the prior service credit described in Act No. 90-560 that it would be understood that a register of a circuit court who was appointed to the office prior to the beginning of the term of office also would be entitled to purchase prior service credit toward supernumerary status retroactively to the beginning of the term upon satisfying the conditions prescribed in Section 12-17-144, Code of Alabama 1975, for purchasing the prior service credit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do declare and specify to any court or governmental agency interpreting Act No. 90-560, now codified in Section 12-17-144.1, Code of Alabama 1975, that it was the intent of the Legislature that by operation of the act, a register of a circuit court is entitled to purchase the prior service credit toward supernumerary status described in the act.

BE IT FURTHER RESOLVED, That any governmental agency or court shall receive this resolution as positive evidence of the legislative intent in passing Act No. 90-560.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 26, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Drake:

HJR 28. EXTENDING THE TIME THAT THE JOINT INTERIM LEGISLATIVE COMMITTEE ON THE FEASIBILITY STUDY ON ESTABLISHING TOLL ROADS FROM HUNTSVILLE

TO GULF SHORES, ALABAMA, SHALL REPORT TO THE LEGISLATURE.

WHEREAS, the Legislature created the Joint Interim Legislative Committee on the Feasibility Study on Establishing Toll Roads from Huntsville to Gulf Shores, pursuant to HJR 151, Act No. 92-107 of the 1992 Regular Session (Act 92-107, p. 177, 1992); and

WHEREAS, the committee was directed to report its findings on the fifth legislative day of the 1993 Regular Session; and

WHEREAS, the Legislature finds that the committee should be provided an extension of time to report its findings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Committee on the Feasibility Study on Establishing Toll Roads from Huntsville to Gulf Shores shall report its findings, conclusion, and recommendations to the Legislature not later than the thirtieth legislative day of the 1993 Regular Session.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 28, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 239. To amend Section 11-43-143, Code of Alabama 1975, relating to employee organizations of firefighters to provide a procedure for a written response from the employing governing body to proposals from firefighters.

By Senators Lindsey, Denton, Dixon, and Mitchem:

S. 252. Amending Section 41-9-141, Code of Alabama 1975, to allow the state building commission to charge user fees for services per-

formed under Article 6, Chapter 9, Title 41, Code of Alabama 1975, and to appropriate the fees collected under this act.

By Senator Lindsey:

S. 263. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

By Senators Hale, Bennett, Langford, Corbett, Campbell, Smith (J), deGraffenried, Horn, Parsons, Waggoner, Ghee, Amari, Bedsole, Wilson, Windom, Foshee, and Floyd:

S. 264. To provide an increase in judicial retirement benefits for any retired district judge who served as a district judge prior to July 30, 1979, and who retired prior to October 1, 1991; and to provide for an annual determination of the costs of this increase in benefits and for annual appropriations from the State General Fund to the Judicial Retirement Fund for costs of this increase.

By Senator Lindsey:

S. 265. Relating to the further regulation of liquefied petroleum gas and the powers, duties, and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-104, 9-17-109, and 9-17-110, Code of Alabama 1975, as amended, so as to provide for notification of work on liquefied petroleum gas systems; to provide for a research and education committee; to provide for a special Liquefied Petroleum Gas Research and Education Fund in the State Treasury for research and education purposes.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Amendments):

S. 8. To establish the Alabama Insurance Board to negotiate group health insurance coverage for all residents and their dependents of the State of Alabama who wish to acquire it and to make an appropriation.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with

a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Owens:

S. 14. To further provide for the examination and licensure procedures of the various insurance agents and companies and insurers in the formation, operation, and transactions of insurance business, as well as meet certain standards for accreditation set by the National Association of Insurance Commissioners, more specifically as follows:

(a) To further provide for the examination of insurers by the Commissioner of Insurance and others to revise the standards; and for these purposes to amend Section 27-2-21, Code of Alabama 1975, relating to examinations.

(b) To further regulate the insurance industry and any person, firm, association, or corporation who is a managing general agent of any type insurance; to authorize the Commissioner of Insurance to issue certain rules and regulations to implement and administer this act.

(c) To further regulate the property and casualty insurers and require a certificate of a qualified independent loss reserve specialist relating to loss and loss adjustment expense reserves in the annual report of those insurers.

(d) To provide further for the scope of coverage provided by the Alabama Life and Disability Insurance Guaranty Association and, except as specified, to restrict the coverage by the association to residents of the State of Alabama, and for this purpose to amend Section 27-44-3, Code of Alabama 1975; and

(e) To further regulate insurers; to require all domestic insurers and health maintenance organizations to become subject to the investment limitations and qualifications of Chapter 41, Title 27, Code of Alabama 1975, and for this purpose to amend Sections 27-41-1, 27-41-2, and 27-41-3, Code of Alabama 1975.

(f) Relating to insurance and insurance holding systems; to regulate business placed with a producer controlled property and casualty insurer; to limit the amount placed with the producer and provide for the liability of the controlling producer in the event of an insolvency by the controlled insurer and for that purpose to conform the Alabama law to the Business Transacted With Producer Controlled Property and Casualty Insurer Act, adopted by the National Association of Insurance Commissioners, and to define these transactions and business; to provide for certain disclosures, hearing processes, and penalties for prohibited acts and violations.

By Senator Owens:

S. 12. Relating to insurance; to provide further for a system for allowing the Commissioner of Insurance to regulate certain reinsurance brokers and managers who solicit, negotiate, or place reinsurance cession or retrocession on behalf of a ceding insurer; to include provisions for licensure, required contract provisions, duties, and prohibited acts, along with penalties and liabilities for violations.

By Senator Owens:

S. 13. To provide for regulation by the Department of Insurance of the formation and the operation of risk retention groups and purchasing groups in this state formed pursuant to the federal Liability Risk Retention Act of 1986, to the extent permitted by federal law; and to make certain exceptions for county self-insurance funds.

By Senator Parsons:

S. 20. Relating to the operation of motor vehicles; requiring, as a condition of registration and licensing a motor vehicle, and applying for a driver's license, proof of a motor vehicle liability insurance policy, in force, from an approved insurance company, or certain other financial responsibility; setting the minimum limits and policy coverage; providing penalties for violations and providing for an assigned risk plan for persons classified as high risks, and the effective date; and providing for certain exceptions.

By Senator deGraffenried:

S. 116. Prescribing additional standards and restrictions for governing boards of educational institutions and funds to use for guidance in investing and managing educational trust funds and providing for the releasing of restrictions on the use of certain funds or the selection of investments for certain funds through donor acquiescence or court action.

By Senator Figures:

S. 136. To amend Sections 3, 5, 7, 8, 10, 12, and 13 of Act No. 91-659 of the 1991 Regular Session, appearing as Sections 24-8-3, 24-8-5, 24-8-7, 24-8-8, 24-8-10, and 24-8-12, Code of Alabama 1975, relating to the Alabama Fair Housing Law, to provide further for fair housing.

By Senator Windom:

S. 144. To provide for mandatory premium reductions for

motor vehicle insurance for persons 55 years of age or older for completion of accident prevention courses under certain conditions.

By Senator Owens:

S. 210. To amend Sections 32-7-2, 32-7-8, 32-7-22, and 32-7-27, Code of Alabama 1975, and to repeal Section 32-7-39, Code of Alabama 1975, relating to the Motor Vehicle Safety-Responsibility Act, to increase the proof of financial responsibility, to further provide for the time of suspension of a person's license or operating privilege or the security required, to increase the amount of minimum coverage of a motor vehicle liability policy, to increase the amount deposited with the State Treasurer, and to delete provisions relating to expenses for administering the Motor Vehicle Safety-Responsibility Act by the Department of Public Safety.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 99. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as originally contained in the 1991 Cumulative Supplement to certain volumes of the Code and carried forward into the 1992 Cumulative Supplement, and as contained in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A, and to make corrections in certain volumes of the 1992 Cumulative Supplement, as brought from the 1991 Cumulative Supplement, and in the 1991 Replacement Volume 18; and to adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 First Special and Regular Sessions of the Legislature, as contained in the 1992 Cumulative Supplement to certain volumes of the Code and in the 1992 Replacement Volumes 9, 15, 15A, and 20 of the Code, and to make corrections in certain volumes of the 1992 Cumulative Supplement and the 1992 Replacement Volume 15.

By Senator Bailey:

S. 123. To amend Section 28-3A-25, Code of Alabama 1975, to provide further for unlawful acts, offenses, and penalties affecting certain persons under the alcoholic beverage licensing code.

By Senator Windom:

S. 145. To provide for forfeiture of a motor vehicle driven or

operated by a person with a suspended or revoked driver's license as a result of a conviction for driving a vehicle while under the influence of alcohol or a controlled substance, and to establish a procedure for forfeiture.

By Senator Lindsey:

S. 150. Relating to the annual licensing and bonding of businesses, individuals, firms, associations, partnerships, companies, or corporations engaged in the business of recovering or assisting in the recovery of lost or unclaimed property under the Uniform Disposition of Unclaimed Property Act, or any other property or outstanding obligation, whether or not monetary in nature; and providing for requirements for qualification of licensing; providing for penalties for violations; providing for rulemaking authority; and providing for the distribution of fees.

By Senator Lindsey:

S. 151. Relating to the annual licensing and bonding of businesses, individuals, firms, associations, partnerships, companies, or corporations engaged in the business of recovering or assisting in the recovery of lost or unclaimed property under the Uniform Disposition of Unclaimed Property Act, or any other property or outstanding obligation, whether or not monetary in nature; and providing for requirements for qualification of licensing; providing for penalties for violations; providing for rulemaking authority; and providing for the distribution of fees.

By Senator Lindsey:

S. 173. To further provide for the escheat of unclaimed funds of inmates of the Department of Corrections; and to provide for the continuing appropriation of the escheated funds for the operation of the Department.

By Senators Ghee, Hale, and Figures:

S. 286. To provide further for the devolution of an estate at death; to provide further for the duties and powers of a personal representative of an estate; to provide further for payment of expenses in estate litigation and employment of agents and employees of the estate; to provide for bonding requirements of a personal representative or special administrator; to repeal Sections 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, and 43-2-316, Code of Alabama 1975; and to provide that this act shall become effective January 1, 1994.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the

Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 256. To amend Section 16-51-6, Code of Alabama 1975, relating to the Board of Trustees of the University of North Alabama; to establish and implement personnel rules, policies, and practices for the university; and to authorize the board of trustees to merge with another institution without seeking or obtaining legislative or administrative approval.

Senator Wilson, Chairperson of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Amari, Parsons, and Wilson:

S. 162. Revising the application of the Abandoned Mine Reclamation Act by amending Sections 9-16-121 and 9-16-124 of the Code of Alabama 1975.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 304. To amend Section 12-2-7, Code of Alabama 1975, to authorize the Supreme Court to transfer to the Court of Civil Appeals certain civil cases appealed to the Supreme Court, and to provide for an effective date.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators deGraffenried and Waggoner (With Substitute):

S. 318. To provide for the regulation and licensure of athletic trainers; to provide for an Athletic Trainers' Board; to prescribe civil procedures for appeals; and to prescribe fines and penalties for the violation of this act.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Butler:

H. 71. To authorize one or more counties and municipalities in the state to create public corporations to acquire real and personal property for lease to the United States of America, its departments, agencies, and instrumentalities; to provide that counties and municipalities forming such public corporations may lend, donate, or contribute money and services to such public corporations, may enter into contracts obligating counties and municipalities to lend, donate, or contribute money to the public corporations, and may borrow money for the purpose of making loans, donations, or contributions; to provide for the powers and duties of the public corporation, including the power to issue bonds; and to provide for a termination date.

By Senator deGraffenried:

S. 303. Relating to the Court of Civil Appeals; to create two additional judgeships on the Court of Civil Appeals; to provide for the election of the first judge to fill each judgeship; to provide further for the appellate jurisdiction of the Court of Civil Appeals; and to amend Sections 12-3-1 and 12-3-10 of the Code of Alabama 1975.

Senator Mitchem, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Mitchell, Waggoner, Barron, Smith (J), Little, Owens, Bailey, Lipscomb, Bolling, and Bedsole:

S. 292. Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of three years after a cause of action accrues or arises in certain cases; to provide that all causes of action and to all rights of action which accrue more than four years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

By Senators Mitchell, Mitchem, Hale, Owens, Dixon, Waggoner, Barron, Smith (J), Little, Bailey, Lipscomb, Bolling, and Bedsole:

S. 293. Relating to all civil actions in tort, contract, or other-

wise against materialmen who provide labor, material, and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than four years after the substantial completion of construction of an improvement on or to the real property; to provide for an exception to the bar to relief with respect to actions accruing more than four years after the substantial completion of construction of an improvement on or to real property where there is a written express warranty or indemnity which by the written terms thereof shall extend beyond the period of four years; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; and to provide that this act does not create any cause of action against materialmen or any other persons.

Senator Mitchem, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Amendment):

S. 11. Amending Section 11-43-144, Code of Alabama 1975, to provide for administration of certain death benefits for fire fighters by the State Board of Adjustment.

Senator Mitchem, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey:

S. 204. To amend Section 25-4-10, Code of Alabama 1975, which defines the term "employment" for unemployment compensation purposes, to clarify the language exempting service in the employ of religious organizations.

By Senator Mitchem:

S. 301. To provide that an incorporated municipality may regulate and license junkyards within its police jurisdiction to the same extent as if the junkyard were located in its corporate limits.

Senator Langford, Chairperson of the Standing Committee on State

Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 242. Relating to alcoholic beverages; to authorize referendum elections to determine whether alcoholic beverages may be sold or dispensed on Sunday within any wet county or wet municipality in this state.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

S. 27. Amending Section 17-22A-7, Code of Alabama 1975, to provide that excess campaign contributions may not be used for any personal use.

By Senator deGraffenried:

S. 113. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as originally contained in the 1991 Cumulative Supplement to certain volumes of the Code and carried forward into the 1992 Cumulative Supplement, and as contained in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A, and to make corrections in certain volumes of the 1992 Cumulative Supplement, as brought from the 1991 Cumulative Supplement, and in the 1991 Replacement Volume 18; and to adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 First Special and Regular Sessions of the Legislature, as contained in the 1992 Cumulative Supplement to certain volumes of the Code and in the 1992 Replacement Volumes 9, 15, 15A, and 20 of the Code, and to make corrections in certain volumes of the 1992 Cumulative Supplement and the 1992 Replacement Volume 15.

By Senator Ghee:

S. 217. To amend Section 17-19-7 of the Code of Alabama 1975, to provide for the electoral meeting for electors of the President and Vice-President of the United States.

By Senator Ghee:

S. 218. To provide for the "Sore Losers Prevention Act" and to amend Section 17-7-1 of the Code of Alabama 1975, to extend the time of qualification of candidates for public office for filing petitions for ballot access for a general election.

By Senator Ghee:

S. 222. To amend Sections 17-6-8, 17-7-18, 17-8-2, 17-8-25, 17-8-29, 17-16-55, and 21-4-22 of the Code of Alabama 1975, to provide for poll watchers in referendum elections; to prohibit electioneering within certain proximity to all polling places; to require withdrawals from an election by candidates 50 or more days before that election; to provide for the number of paper ballots at each voting place; to provide further for the casting of ballots by electors and assistance to the electors; to provide penalties for election officials marking ballots contrary to the direction or request of a voter; and to require that certain guidelines to assure accessibility of registration and polling places for handicapped and elderly individuals apply at all elections.

By Senator Little:

S. 228. Amending Section 17-22A-18 of the Code of Alabama 1975, prohibiting a political committee from transferring any contribution to any other political committee.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Notice and Proof):

S. 129. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Dauphin Island in Mobile County.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale:

S. 269. To create the Alabama Department of Environmental Management Fine Review Committee; to provide for its composition, meetings, powers, duties, and compensation.

REPORTS FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Promotion of Colonel Emmett L. McCutchin to the grade of Brigader General as Assistant Adjutant General of Air Headquarters, Alabama Air National Guard

On motion of Senator Foshee, the promotion of Colonel McCutchin was confirmed by the Senate.

Yeas 24 Nays 0
Abstaining 1

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Sanders, Waggoner, and Wilson -24

Nays: - 0

Abstaining: Senator Smith (J) - 1

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Major James E. Moore as the Adjutant General of the State of Alabama

On motion of Senator Dial, the appointment of Major General Moore was confirmed by the Senate.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Sanders, Wilson, and Windom -24

Nays: - 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ben Beard to the Alabama Commission on Higher Education

On motion of Senator Dial, the appointment of Mr. Beard was confirmed by the Senate.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchell, Owens, Sanders, Waggoner, Wilson, and Windom

-24

Nays:

- 0

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 140. To amend Section 41-23-1, Code of Alabama 1975, to establish and specify the powers and duties of the Office of Water Resources as a division of the Department of Economic and Community Affairs; establish the Alabama Water Resources Commission and authorize the commission to promulgate rules and regulations for the Office of Water Resources; and authorize civil penalties for violations.

as amended. The question was on the Corbett amendment No. 2, to the Bill, SB 140, as amended, which said amendment is set out in the Journal of the Senate for the Third Legislative Day.

And said amendment was then lost.

Yeas 7 Nays 16

Yeas:

Senators:

Bennett, Campbell, Corbett, Denton, Foshee, Wilson, and Windom

- 7

Nays:

Senators:

Amari, Bailey, Bedsole, Bolling, deGraffenried, Dial, Dixon, Ellis, Floyd, Hale, Hill, Langford, Little, Mitchell, Smith (B), and Waggoner

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And said Bill, SB 140, as amended, was read a third time at length and passed and sent forthwith to the House upon engrossment.

Yeas 27 Nays 1

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
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Nay: Senator Corbett

- 1

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Auburn University Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 10th day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the Honorable Lowell Barron from Fyffe, Alabama to the Auburn University Board of Trustees. Sen. Barron will be representing the 5th Congressional District and will be filling the expired term of Michael B. McCartney. His term will expire in January of 2003.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 10th day of February, 1993.

RULE 33 SUSPENDED

Senator Foshee requested and received unanimous consent to suspend the provisions of Senate Rule 33 in order to allow immediate consideration and confirmation of Senator Barron to the Auburn University Board of Trustees.

CONFIRMATION

On motion of Senator Foshee, the appointment of Senator Barron was confirmed by the Senate.

Yeas 24 Nays 0
Abstaining 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Smith (B), Smith (J), Waggoner, and Windom -24

Nays: - 0

Abstaining: Senator Barron - 1

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator deGraffenried:

S. 354. Relating to mental health and mental retardation; providing for the exercise of temporary custody of alleged mentally ill persons by law enforcement and community mental health officers at authorized health care facilities; authorizing the judge of probate to make a finding in order that the county might, with the approval of the county commission, adopt and be covered by the provisions of this act; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act.

Committee on Public Welfare

By Senator Little:

S. 355. To amend Section 34-23-8 of the Code of Alabama 1975, relating to substitution of brand drugs, so as to allow licensed pharmacists to substitute a less expensive pharmaceutically and thera-

apeutically equivalent drug product, unless the practitioner prescribing the drug specifies in his or her own handwriting that the brand name product prescribed is medically necessary.

Committee on Health

By Senators Dixon, Foshee, Ellis, and Waggoner:

S. 356. To amend Sections 36-27-25 and 16-25-20, Code of Alabama 1975, to provide for the investment of the funds of the Teachers' and Employees' Retirement Systems of Alabama, in accordance with the same terms and limitations set forth in the Federal Employee Income and Security Act of 1974; and to amend Section 16-25-14, Code of Alabama 1975, to provide that optional retirement allowances selected by members of the Teachers' Retirement System shall become effective on the date of retirement of the member.

Committee on Finance
and Taxation

By Senator deGraffenried:

S. 357. To amend Sections 11-44B-6 to 11-44B-8, inclusive, Code of Alabama 1975, and to add Section 11-44B-8.1 to the Code of Alabama 1975, to provide further for the operating procedures of mayor-council form of government adopted by Class 4 municipalities.

Committee on Local
Legislation No. 1

By Senator Langford:

S. 358. Relating to the conduct of elections; amending Sections 17-6-13 and 17-7-5.1, Code of Alabama 1975, to increase the compensation of poll workers and to increase the hours polling places are open.

Committee on Constitution
and Elections

By Senator Langford:

S. 359. To amend Sections 17-16A-1 and 17-16A-3, Code of Alabama 1975, to change the date of the presidential preference primary.

Committee on Constitution
and Elections

By Senator Langford:

S. 360. Providing that a retired judge of probate may participate

in the state employees group health insurance plan if the retired judge pays the entire cost for the group health insurance.

Committee on Finance
and Taxation

By Senator Mitchem:

S. 361. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the State Board of Education for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

By Senator Smith (J):

S. 362. Proposing an amendment to the Constitution of Alabama of 1901, relating to Limestone County, prohibiting any municipality in a county contiguous to Limestone County, in which the sale and distribution of alcoholic beverages is authorized by law and whose municipal limits extend into Limestone County from selling or distributing alcoholic beverages in that portion of the municipality located in Limestone County.

Committee on Governmental
Affairs/Local Government

The above Bill was read a first time at length as required by the Constitution.

By Senator Dixon:

S. 363. To amend Section 34-8-2, Code of Alabama 1975, relating to application for licenses, fees, classifications of contractors, examination of applicants generally, certification of authority, renewal of licenses, limited licenses for particular projects, to delete the prior statutory maximum bid limits for contractors and to delegate to the State Licensing Board for General Contractors the authority to promulgate certain regulations relating to maximum bid limits and the corresponding ranges of net worth covered by each maximum bid limit; to amend Section 34-8-4, Code of Alabama 1975, relating to the revocation of licenses for certain offenses, charges, hearings, reissuance of revoked licenses, and lost licenses, to grant authority to the board to promulgate certain regulations providing for penalties for violations in lieu of revocation of a contractor's license; to amend Section 34-8-6, Code of Alabama 1975, relating to prohibited acts and penalties relating to persons prohibited from accepting bids from unlicensed contractors; and

to prohibit the announcements of certain bids received from unlicensed contractors.

Committee on Judiciary/Civil

BILLS ON THIRD READING RESUMED

THE BILL:

S. 111. To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

was taken up.

ADJOURNMENT

At 12:10 P.M., on motion of Senator Hale, pending further consideration of the Bill, SB 111, the Senate adjourned until Thursday, February 11, 1993, at 10 o'clock A.M.

FIFTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 11, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Jack Floyd, Tenth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by April Williams, Baldwin Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Figures for today.

RESOLUTIONS

Senators Corbett and Bedsole offered the following Senate Joint Resolution, to-wit:

SJR 18. ESTABLISHING A CHILD CARE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is established a Child Care Commission composed of the following members: three persons appointed by the Governor who shall be qualified electors of the state and members of state-wide child advocacy associations; six persons who shall be owners or operators, or both, of licensed child care facilities as follows: a representative of a head start program, a family day care home provider, two small business center based day care operators, and two private non-profit community based agencies, three of whom shall be appointed by the Speaker of the House of Representatives of Alabama and three of whom shall be appointed by the Lieutenant Governor of the State of Alabama; two persons appointed by the Speaker Pro Tem of the House of Representatives, who shall be parents of children under the age of five years who are enrolled in a child care facility licensed by the state; two persons appointed by the President Pro Tem of the Alabama Senate, who shall be parents of children under the age of five years who are enrolled in an Alabama child care facility; two representatives of child care management agencies selected by the directors of the agencies, one of the representatives to be from the northern part of the State and one from the southern part of the State; one person appointed by the Commissioner of the Department of Human Resources; and one person appointed by the Alabama Association of County Directors of Human Resources.

BE IT FURTHER RESOLVED, That members of the commission shall meet at least quarterly, and at the times the chair of the commission deems appropriate. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the course of their duties to be paid from the quality enhancement federal funds allocated to the Department of Human Resources. A chair of the commission shall be elected by the membership at the first meeting of

the commission. Members shall be appointed for two-year terms and may be eligible to succeed themselves. Any member who fails to attend three consecutive meetings or at least one half of all commission meetings held during the calendar year shall be deemed to have resigned. Clerical and administrative assistance to the commission shall be provided by the Department of Human Resources.

BE IT FURTHER RESOLVED, That the commission shall have the following responsibilities:

(a) Developing a state-wide child care plan for the orderly development and planning in the industry to keep pace with the growing need for affordable and available child care for working families in the state.

(b) Developing an annual fiscal plan to include the identification of all federal and state revenue sources available for child care in the State of Alabama.

(c) Monitoring, reviewing, and recommending improvements or modifications to the Child Care Act of 1971, and to Alabama's Minimum Standards for Child Care as prescribed by the Department of Human Resources, and serving on any committee assigned the responsibility of revising the act or minimum standards.

(d) Developing and assimilating information on employer, company, and corporate support for child care which includes options, costs, and benefits of that support.

(e) Reviewing and recommending financial incentives to encourage employer, company, and corporate support of child care.

(f) Reviewing the availability of public or private no or low interest loans for capital investment in child care.

(g) Reviewing the Capitol and State House complex needs and make recommendations necessary to address the child care needs of Capitol and State House complex employees.

(h) Reviewing the feasibility and affordability of liability insurance for child care providers.

(i) Planning with the Department of Human Resources the procedures to be used in notifying licensees, approved operators, and registrants regarding regulatory changes.

(j) Maintaining a liaison with the Department of Human Resources and other departments and agencies of state and federal government so as to preclude imposition of duplicate requirements upon operators subject to regulation by the State of Alabama.

(k) Maintaining a liaison with the Department of Public Health to ensure that federal and state dollars are being used in the most efficient manner to help protect the health and safety of children under five years being cared for outside the home.

(l) Reviewing any other matters considered appropriate by the commission and making appropriate recommendations where necessary.

BE IT FURTHER RESOLVED, That the commission shall hold public hearings and invite suggestions from parents of children utilizing child care services, providers of the services, and other interested parties. The commission shall make an annual report to the Legislative Council and to the Governor of its findings and recommendations in regard to issues affecting child care.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bennett offered the following Senate Joint Resolution, to-wit:

SJR 19. COMMENDING THE HOMEWOOD HIGH SCHOOL BAND FOR PARTICIPATION IN THE ST. PATRICK'S DAY PARADE IN DUBLIN, IRELAND.

WHEREAS, the Homewood High School Band will appear in the St. Patrick's Day Parade in Dublin, Ireland, on March 17, 1993, the first time an Alabama band has marched in this internationally-known event; and

WHEREAS, the much-travelled Homewood High School Band was also the first state high school band from Alabama to appear in the Macy's Thanksgiving Day Parade in New York City; the Tournament of Roses Parade in Pasadena, California; the "We the People Celebration" in Philadelphia and to host the Drum Corps International World Championships; and

WHEREAS, other Homewood High School Band appearances have included President George Bush's Inauguration, the New Orleans Mardi Gras and numerous college and professional sports appearances; and

WHEREAS, the Homewood High School Band is directed by veteran band director, Pat Morrow who is currently in his 17th year at Homewood and his 24th in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate members of the Homewood High School Band for being outstanding

ambassadors of goodwill for Alabama and for bringing national attention to their home state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Pat Morrow, Director of the Homewood High School Band with the Legislature's deep appreciation.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 11. MOURNING THE DEATH OF CHARLES LESTER PROCTOR OF LINEVILLE, ALABAMA.

Also:

SJR 12. COMMENDING CHARLES A. McCALLUM FOR DISTINGUISHED LEADERSHIP OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM.

Also:

SJR 15. COMMEMORATING THE CENTENNIAL OF THE LEGISLATION CREATING THE UNIVERSITY OF MONTEVALLO.

Also:

SJR 16. RECOGNIZING THE CITY OF HALEYVILLE'S "EMERGENCY 911" SERVICE, AND MR. BILL FREY.

Also:

SJR 17. NAMING THE "ROBERT J. 'MAC' McALISTER BRIDGE" IN RUSSELL COUNTY, ALABAMA.

GREG PAPPAS,
Clerk.

RESOLUTIONS

Senators Dial and Waggoner offered the following Senate Joint Resolution, to-wit:

SJR 20. RECOGNIZING THE 25TH ANNIVERSARY OF THE 121ST UNITED STATES RESERVE COMMAND.

WHEREAS, the Legislature of Alabama recognizes with pleasure the 25th Anniversary of the 121st United States Army Reserve Command (ARCOM), Birmingham, Alabama, and expresses great pride in the many contributions and accomplishments of the ARCOM throughout its illustrious history; and

WHEREAS, the 121st ARCOM is command headquarters for 122 specialty units and 11,600 soldiers in Alabama, Mississippi, Georgia, Tennessee, Kentucky and South Carolina, and the many Reservists attending the recent Silver Anniversary celebration shared nostalgic memories of their missions around the world, including contributions to Operation Desert Shield/Desert Storm and their relief efforts in the aftermath of Hurricane Andrew; and

WHEREAS, festivities enjoyed by the Reservists and their families included musical entertainment, equipment displays, and a special ceremony recognizing the six commanding generals of the ARCOM since its inception in 1968; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize, with highest commendation, the 25th Anniversary of the 121st United States Army Reserve Command, Birmingham, Alabama, and also the contributions and accomplishments of the ARCOM Reservists in defense of our country and the cause of peace.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Major General Richard B. Bursleson, commanding general of the 121st ARCOM, Birmingham, Alabama.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dial and Little offered the following Senate Joint Resolution, to-wit:

SJR 21. MOURNING THE DEATH OF ROBERT BRUCE GRAY OF VALLEY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously mourns the death of Robert Bruce Gray of Valley, Alabama, on January 16, 1993, at the age of 73 years; and

WHEREAS, a native and lifelong resident of the Langdale community, and a United States Navy Veteran of World War II, Bruce Gray spent his entire 50-year career with West Point Pepperell, serving as plant engineer for the Langdale Mill for a number of years, and as Manager of the WPP Service Center for 25 years, until retiring in 1990; and

WHEREAS, Mr. Gray, who played a vital role in the formation, growth and progress of the Valley community served as chairman of the City Hall building committee, was instrumental in the renovation of Cotton Duck and, at the time of his death, was involved in the restoration of the Langdale Auditorium and the Chambers County Library Annex; and

WHEREAS, a faithful and active member of the Langdale United Methodist Church, he also provided leadership and support to countless other church as well as community organizations throughout the area and state and, on the national level, to the National Fire Protection Association, for which he collaborated in writing several publications; and

WHEREAS, Mr. Gray, further, was the recipient of such distinctions as the Chamber of Commerce "Award of Merit," the "Silver Beaver Award" in scouting, and the "Appreciation Award" from the American Red Cross, to name but a few; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Robert Bruce Gray of Valley, Alabama, and extend our most heartfelt sympathy to his wife, Eloise Echols Gray; daughters, Nancy Rebecca Gray and Juliet Gray Downs; son, Bruce Gray, Jr.; and to other family members, for whom a copy of this resolution shall be provided.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dial offered the following Senate Joint Resolution, to-wit:

SJR 22. MOURNING THE DEATH OF JAMES P. HOMER OF LIVINGSTON, ALABAMA.

WHEREAS, it is with deep and abiding sorrow that the Alabama Legislature records the death of James P. Homer of Livingston, Alabama, on October 15, 1992; and

WHEREAS, James Homer, a former professional member of the New York Syracuse basketball team, came to Alabama in 1949 to coach basketball at Livingston University for one year while recovering from a game-related back injury; during this period, however, and perhaps providentially, he met his future wife, Virginia, and was to remain associated with the University for the next 25 years as a coach, teacher and administrator, retiring in 1984 as Executive Vice President; and

WHEREAS, Coach Homer, or Dean Homer to his colleagues and

former students, was the recipient of countless awards and distinctions, both during and after his outstanding career, including such perpetual tributes as the Livingston University Athletic Complex named in his honor, as well as the establishment, in his name, of both an alumni scholarship program, and Livingston's most prestigious campus organization award for outstanding academics and performance by an athlete; and

WHEREAS, more enduring still are the memories of Coach Homer that are cherished by the many students whose lives he touched and in whom he instilled such qualities as aspiration, self-discipline, perseverance and responsibility; these virtues, which have stood them in good stead and have been passed on to their own children, are the legacy of a rare and uncommon man who became a legend in his own time; and

WHEREAS, Dean Homer was a unique individual, endowed with a keen sense of humor and a mischievous spirit; he also was an able dispenser of discipline whose methods, although unorthodox and often bizarre, were always effective, and the recounting of these "Homer stories" has become a University tradition; and

WHEREAS, the lamentable death of James P. Homer has left an unfathomable void in the life of his beloved Livingston University, and in the hearts of all those who are grateful for his presence in their lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of James P. Homer of Livingston, Alabama, and extend deepest sympathy to his wife, Mrs. Virginia Chandler Homer; daughter Ann Homer Ezell, and grandson, Trey; and to other family members, for whom a copy of this resolution shall be provided, with a copy also prepared for appropriate presentation and display at Livingston University.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Senator Mitchell offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Pursuant to the notice in writing previously given, I move that Rule No. 41.1 of the Rules of the Senate be created to read as follows:

Rule 41.1. There shall be no smoking or other use of tobacco on the floor of the Senate.

This rule shall be effective May 18, 1993.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 5. INVITING PRESIDENT CLINTON TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

Also:

HJR 7. COMMENDING ALABAMA NATIVE, SONNY JAMES, FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 9. MOURNING THE DEATH OF JOHN LEE BUSKEY OF MONTGOMERY, ALABAMA.

Also:

HJR 21. DESIGNATING THURSDAY, MAY 6, 1993, AND THE FIRST THURSDAY OF EACH MAY, AS ALABAMA DAY OF PRAYER.

Also:

HJR 33. INVITING CONGRESSMAN TOM BEVILL TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

HJR 64. COMMENDING ERIC CHRISTOPHER CROWE UPON HIS ACHIEVEMENT OF THE RANK OF EAGLE SCOUT.

Also:

HJR 65. COMMENDING GLEN HICKS, HEAD COACH AT NORTH SAND MOUNTAIN HIGH SCHOOL.

Also:

HJR 66. DESIGNATING THE ALABAMA THEATRE FOR THE PERFORMING ARTS AS THE STATE HISTORIC THEATRE.

Also:

HJR 67. COMMENDING THE 1992 JACKSONVILLE STATE UNIVERSITY FOOTBALL TEAM, HEAD COACH BILL BURGESS AND HIS STAFF ON THEIR NCAA DIVISION II FOOTBALL NATIONAL CHAMPIONSHIP.

Also:

HJR 68. COMMENDING WILL HILL TANKERSLEY OF MONTGOMERY, ALABAMA.

Also:

HJR 69. MOURNING THE DEATH OF RICHARD COLLINS BELSER OF MONTGOMERY, ALABAMA.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Senator Waggoner offered the following Senate Joint Resolution, to-wit:

SJR 23. COMMENDING ASHLEY HALFMAN, ALABAMA'S YOUNG WOMAN OF THE YEAR.

WHEREAS, the Alabama Legislature, in consensus of commendation, notes with great pleasure, the selection of Ashley Halfman of Birmingham, Alabama, as Alabama's Young Woman of the Year for 1992; and

WHEREAS, Miss Halfman, who represented Jefferson County in the contest, and who will compete on a national level later this year, is the daughter of Mr. and Mrs. Timothy Halfman of Birmingham; and

WHEREAS, she attends Vestavia Hills High School where she is a Student Council Representative, a National Merit Semi-Finalist and a

member of the National Honor Society, Key Club and the Rebelette Dance Team, among other honors and distinctions; she also is a dancer with the Birmingham Dance Theater and is a member of St. Peter's Catholic Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Miss Ashley Halfman of Birmingham, Alabama, an exceptional young lady of whom we are justly proud, and for whom a copy of this resolution shall be provided that she may know of our sincere regard and warm best wishes for every future happiness and success.

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Windom and Bailey:

S. 364. To amend Section 27-42-8, Code of Alabama 1975, relating to the Alabama Insurance Guaranty Association Act, to extend the time limitation and maximum amount of claim for payments.

**Committee on Banking
and Insurance**

By Senator Ellis:

S. 365. Relating to eligibility for retirement of justices of the supreme court, judges of courts of appeals, and judges of circuit courts; amending Section 12-18-6, Code of Alabama 1975, to reopen the Judicial Retirement Fund to allow certain judges to purchase additional prior service credit.

**Committee on Finance
and Taxation**

By Senator Langford:

S. 366. To amend Sections 16-5-2 and 16-5-3, relating to the membership of the Alabama Commission on Higher Education; to increase the membership and to specify a certain number of black members for the commission.

**Committee on Governmental
Affairs/State Administration**

By Senators Mitchem, Parsons, Amari, Windom, Dixon, Bailey, Smith (B), Lindsey, Dial, Smith (J), Waggoner, Bedsole, Wilson, Campbell, Mitchell, Denton, Floyd, Ghee, Figures, Barron, Foshee, Little, Owens, Langford, deGraffenried, Lipscomb, Corbett, Sanders, and Bolling:

S. 367. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

Committee on Finance
and Taxation

By Senator Foshee:

S. 368. To propose an amendment to the Constitution of Alabama of 1901 to repeal Amendment 339 and Amendment 448 of the Constitution of 1901. This bill would limit total appropriations from state funds in any fiscal year to the revenue collected for the fiscal year that ended one year prior to the commencement of the fiscal year for which said appropriations are being made; provide for a 1 year phase-in period for appropriations from the State General Fund and a 5 year phase-in period for appropriations from the Alabama Special Educational Trust Fund; provide a procedure for appropriation of balances; provide a procedure for supplemental appropriations during special sessions; provide a procedure for appropriations of revenue-raising measures; provide for the convening of the Legislature in two annual Regular Sessions; provide for special sessions; provide for the duration of legislative sessions and the legislative matters to be considered at said sessions; provide a procedure for the consideration of basic appropriation bills; provide a 24 hour notification of any Conference Committee report on appropriation bills prior to a vote being taken; provide for an automatic special session for budgets should they fail to be enacted in the first annual budget and revenue session; and provide a procedure for the Governor to prevent a deficit in any state fund. This bill would authorize the Legislature to make appropriations for multiple purposes in one or more general appropriation bills and to make appropriations to institutions that are not under the absolute control of the state. This bill will provide for a constitutional election on the proposed amendment.

Select Committee on
Fiscal Responsibility

The above Bill was read a first time at length as required by the Constitution.

By Senator Bolling:

S. 369. To amend Section 27-1-16, Code of Alabama 1975, re-

lating to standard health insurance claim forms to provide for certain pharmacy and dental claim forms.

Committee on Health

By Senators Waggoner, Owens, Mitchem, Lipscomb, Mitchell, Bedsole, Bolling, Ellis, Denton, Amari, Campbell, Floyd, Barron, Wilson, Hill, Smith (B), Ghee, Bailey, Figures, deGraffenried, Horn, Langford, Smith (J), and Windom:

S. 370. Relating to public health in this state; to prohibit smoking in a public place or at a meeting of a public body, except in a designated smoking area; and to prescribe penalties for violations.

Committee on Health

By Senators Owens, Ellis, Amari, Waggoner, deGraffenried, Wilson, Bennett, Little, Hale, and Ghee:

S. 371. To amend Section 16-54-18, Code of Alabama 1975, to provide for the transfer of certain proceeds and interest to the University of Montevallo Restricted Endowment Fund.

Committee on Finance
and Taxation

By Senators Little, Corbett, Bailey, Dial, and Mitchell:

S. 372. To amend Section 41-9-311, Code of Alabama 1975, relating to the Historic Chattahoochee Historic Compact to provide further for the election and voting of the members of the Historic Chattahoochee Commission.

Committee on State Development
and Tourism

By Senator Little:

S. 373. To make the willful violation of any provision of a temporary or permanent protection order or restraining order involving domestic relations or family violence issued pursuant to the Protection From Abuse Act, Section 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, and restraining orders or injunctions in which a history of family violence or abuse is cited issued in domestic relations, family violence or juvenile courts in domestic relations or family violence cases, a Class A misdemeanor; to impose additional mandatory minimum penalties; to permit the arresting officer certain arrest powers with probable cause; to provide for an affirmative defense for lack of knowledge and burden of

proof; to provide certain immunities; and to provide this act shall be construed in pari materia with Chapter 5 of Title 13A, Code of Alabama 1975, and other pertinent laws, relating to fines, sentences, and unlawful civil and criminal acts.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Bennett:

S. 374. To amend Section 41-5-6, Code of Alabama 1975, relating to powers and duties of the Chief Examiner of Public Accounts, to provide specific authorization to the chief examiner to contract for products and services, expend appropriations, and establish the duty requirements, positions, pay plan, and number of employees of the Department of Examiners of Public Accounts.

Select Committee on
Fiscal Responsibility

By Senator Little:

S. 375. Providing that the state cannot initiate collection proceedings on judgments for money owed to it, where the court allows the defendant to pay the judgment in installments, the defendant remains current on the installment payments, and financially unable to pay the judgment in full.

Committee on Judiciary/Civil

By Senator Langford:

S. 376. To amend Section 14-3-7, Code of Alabama 1975, relating to records on state and county inmates, to delete the requirement that the Department of Corrections maintain records on certain county inmates and to repeal Section 14-4-3, Code of Alabama 1975, relating to the requirement that the judge of probate report to the Department of Corrections the persons sentenced to hard labor for the county.

Committee on Governmental
Affairs/State Administration

By Senator Dial:

S. 377. To provide that any member of the Employees' or Teachers' Retirement System, who, not more than one year prior to becoming a member of the system, was a member of the Judicial Retirement Fund, may elect to transfer his or her creditable service and

accumulated contributions from the Judicial Retirement Fund to the Employees' or Teachers' Retirement System.

Committee on Finance
and Taxation

By Senator Floyd:

S. 378. To repeal Section 30-3-7, Code of Alabama 1975, relating to fees for investigation services performed by the Department of Human Resources in cases involving divorce or divorce modification.

Committee on Finance
and Taxation

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Ethics Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 10th day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

Having consulted with the Lieutenant Governor and the Speaker of the House, I have appointed, subject to your confirmation, Mr. Henry B. Gray from Eufaula, Alabama to the State Ethics Commission. He will be replacing Lee McGriff and his term will expire on September 1, 1998. The signatures of James S. Clark, Speaker of the House, and Jim Folsom, Jr., the Lieutenant Governor, are on file in the Governor's Office.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 10th day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Ethics Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Cullins (With Notice and Proof):

H. 38. Relating to Tallapoosa County; amending Section 1 of Act No. 92-493, H. 708 of the 1992 Regular Session, relating to the boundary lines and corporate limits of the Town of New Site in Tallapoosa County, to correct the range description.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 38, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 38 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Dolbare (With Notice and Proof):

H. 12. Relating to Washington County; to alter, rearrange,

and extend the boundary lines and corporate limits of the municipality of Chatom in Washington County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 12, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Dolbare (With Notice and Proof):

H. 220. Relating to Washington County; providing for additional expense allowance and salary for the sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 220, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Dolbare (With Notice and Proof):

H. 221. Relating to Washington County; increasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of these funds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 221, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 12, 220, and 221 - to the Committee on Local Legislation
No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gaines (With Notice and Proof):

H. 314. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Homewood in Jefferson County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 314, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Gaines (With Notice and Proof):

H. 328. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 328, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 314 and 328 - to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Morrow:

H. 68. To propose a constitutional amendment relating to the

City of Russellville in Franklin County; and to authorize the Legislature to provide by local law for the consolidation of any gas, electric, or water public authority in the City of Russellville into one public authority governed by an elected board of directors.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 68 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McClain (With Notice and Proof):

H. 295. To authorize Class I municipalities and their agencies, which are governed by boards with their members appointed by officials of the municipality, to accept bids made by responsible resident bidders which are no more than five percent greater than the lowest responsible bid.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 295, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 295 - to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. McClain (With Notice and Proof):

H. 69. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Midfield in Jefferson County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 69, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. McDowell, Petelos, Gaines, Newton (D), Sanderson, Rogers (F), Hawkins, Biddle, Rogers (J), McClain, and Carns (With Notice and Proof):

H. 199. To amend Act No. 929, S. 676, 1951 Regular Session, as amended, which created a Retirement and Relief System for officers and employees of the City of Birmingham, so as to provide benefits for surviving spouses of participants of the Supplemental Pension System and to provide for retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 199, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 69 and 199 - to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hawkins (With Notice and Proof):

H. 297. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Hoover City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.39 on each one hundred dollars (13.9 mills on each dollar) of assessed value.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 297, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 297 - to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newton (D) (With Notice and Proof):

H. 33. To amend Section 11-52-3, Code of Alabama 1975, to

authorize compensation for meetings attended by appointed members of the planning commission of a Class 1 municipality except to elected officials or employees of the municipality.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 33, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Rogers (F), Gaines, and McDowell (With Notice and Proof):

H. 90. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Donald C. Waid for a pension based upon extraordinary disability and to award such pension if, in the judgment of the Board of Managers, such pension is required, and to provide for the conditions and limitations applying to such pension.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 90, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Rogers (F) (With Notice and Proof):

H. 91. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Graysville in Jefferson County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 91, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 33, 90, and 91 - to the Committee on Local Legislation
No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 284. To amend Section 36-26-8, Code of Alabama 1975, relating to the duties of the Director of the State Personnel Department, to remove the requirement that the director annually publish the names and addresses of all state employees.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 284 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 255. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 255 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 252. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 252 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 260. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 260 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 248. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 248 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 234. To make an appropriation from the State General Fund to the Civil Air Patrol, Alabama Wing for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 234 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 257. To transfer \$300,000 from the Department of Corrections to the Sentencing Institute for the fiscal year ending September 30, 1994.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 257 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 246. To make a supplemental appropriation to the Alabama Department of Economic and Community Affairs in the amount of five hundred seventy-five thousand dollars (\$575,000) for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 246 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 251. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 251 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 232. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 232 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 249. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 249 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 244. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 244 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 227. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 227 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 238. To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 238 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 233. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 233 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 245. To make an appropriation from the State General Fund to the Alabama Mining Academy for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 245 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 256. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 256 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 262. To make an appropriation from the State General Fund to the America's Young Woman of the Year Program for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 262 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 263. To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year Program for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 263 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 240. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 240 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kennedy and Clay:

HJR 98. MOURNING THE DEATH OF MRS. FANNYE JONES HARRIS OF TUSKEGEE.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolution, HJR 98, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Haney, Freeman, Grayson, Sanderford, and Hall:

HJR 92. DESIGNATING THE HUNTSVILLE DEPOT AS "HISTORICAL HUNTSVILLE DEPOT, ALABAMA'S TRANSPORTATION MUSEUM."

Also:

By Rep. Black (M):

HJR 93. COMMENDING COACH BUD MILLS ON HIS INDUCTION INTO THE 1993 ALABAMA HIGH SCHOOL SPORTS HALL OF FAME.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, HJR's 92 and 93, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Carter:

HJR 78. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

Also:

By Reps. Hawkins, Carns, and Payne:

HJR 79. DESIGNATING THE WEEK BEGINNING SEPTEMBER 6, 1993, AS "ALABAMA HIRE A VETERAN WEEK."

Also:

By Reps. Hawkins, Carns, and Payne:

HJR 80. RECOGNIZING THE CONTRIBUTIONS AND ACHIEVEMENTS OF JOSEPH M. FARLEY.

Also:

By Rep. Rogers (J):

HJR 86. MOURNING THE DEATH OF EVA ODESSA ALEXANDER NUNLEY OF BIRMINGHAM, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, HJR's 78, 79, 80, and 86, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Knight (A), Hill, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 81. COMMEMORATING THE CENTENNIAL OF THE
LEGISLATION CREATING THE UNIVERSITY OF MONTEVALLO.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Rules were suspended and the Resolution, HJR 81, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Buskey, Clark (W), Box, Gaston, Harper, Kennedy, Kvalheim, Rockhold, and Turner:

**HJR 100. MOURNING THE DEATH OF JOE WALTER
DAVIS OF MOBILE, ALABAMA.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Rules were suspended and the Resolution, HJR 100, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT FROM RULES

Senator Hale, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 28. EXTENDING THE TIME THAT THE JOINT INTERIM LEGISLATIVE COMMITTEE ON THE FEASIBILITY STUDY ON ESTABLISHING TOLL ROADS FROM HUNTSVILLE TO GULF SHORES, ALABAMA, SHALL REPORT TO THE LEGISLATURE.

And on motion of Senator Hale, said Resolution, HJR 28, was concurred in and adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Hale requested and received permission to suspend the Rules in order to bring up the Bill, HB 71.

Senator Smith (B), B.I.R., HB 71, adopted.

Yeas 25 Nays 1

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Hale, Hill, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom

-25

Nay: Senator Amari

- 1

BILLS ON THIRD READING

THE BILL:

H. 71. To authorize one or more counties and municipalities in the state to create public corporations to acquire real and personal property for lease to the United States of America, its departments, agencies, and instrumentalities; to provide that counties and municipalities forming such public corporations may lend, donate, or contribute

money and services to such public corporations, may enter into contracts obligating counties and municipalities to lend, donate, or contribute money to the public corporations, and may borrow money for the purpose of making loans, donations, or contributions; to provide for the powers and duties of the public corporation, including the power to issue bonds; and to provide for a termination date.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Langford, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-25

Nays:

- 0

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Mitchell, Waggoner, Little, and Smith (J):

S. 259. To amend Section 6-5-332 of the Code of Alabama 1975, to include chiropractors in the list of persons who would not be liable for first aid or emergency care at the scene of an accident, casualty, or disaster.

By Senator Dial:

S. 201. To provide a state income tax credit to physicians who are recruited to practice and who actually practice in a small or rural community.

By Senator Little:

S. 258. To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the radiation advisory board of health, so as to include a veterinarian on the board.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the

following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Amendment):

S. 223. To amend Section 22-11A-17, Code of Alabama 1975, relating to the testing for sexually transmitted diseases of persons sentenced to a jail or a correctional facility under certain circumstances, to provide further that the victim of a sexual offense may request the results of HIV testing of the offender.

By Senator Bedsole (With Amendment):

S. 127. Relating to hospitals providing hospital services to state inmates of the Department of Corrections; to require hospitals receiving federal, state, or local governmental funding to provide those services on the same cost schedule as is charged for Medicaid patients receiving the same or similar hospital services.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Dial (With Substitute):

S. 202. Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain health care services of rural hospitals from one of the meanings of new institutional health services for certificate of need review process purposes.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 89. To make an appropriation for the payment of interest due the Federal government as computed in accordance with the provisions of the Cash Management Improvement Act of 1990, Public Law 101-453 and authorize the director of finance to provide the necessary administration to ensure full compliance with all the provisions of Public Law 101-453.

By Senator Horn:

S. 186. To repeal Section 40-1-32.1, Code of Alabama, 1975 which established the Proration Prevention Account, to provide for rainy day funds from ending balances in the Alabama Special Educational Trust Fund and the General Fund, to provide that the Legislature cannot appropriate more than the revenue projected to be available either by the Legislative Fiscal Office or the Department of Finance except in a Special Session or when projected revenue is less than the previous year's expenditures and sufficient revenue is in the reserve fund to cover those appropriations, to provide that any adjustments to revenue projections must be agreed upon by both the Director of the Legislative Fiscal Office and the Director of the Department of Finance, to provide procedures for the amount and use of such rainy day funds and to provide a cap on the rainy day funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Amendment):

S. 188. To make an appropriation from the State General Fund to the Alabama Kidney Foundation Incorporated, for the fiscal year ending September 30, 1994, and to require an operation plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 189. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1994, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

By Senator Horn:

S. 190. To require that all state departments, divisions, boards, bureaus, commissions, agencies, institutions and offices notify the Office

of Attorney General whenever any legal action is initiated against any such entity or its employees; to require that such entities notify the Joint Fiscal Committee and the Legislative Fiscal Office whenever such legal action is instituted against any state agency or official concerning the budget process or a revenue source wherein a judgement adverse to the state would affect the budget process and/or the appropriation, allotment, or expenditure of state, federal or local funds; to require such entities notify the Legislative Council and Legislative Reference Service whenever a judgment adverse to the state would affect the operations of the Legislature; and to provide that the Joint Fiscal Committee or Legislative Council may intervene in any such litigation.

By Senator Mitchem:

S. 261. To amend Section 40-18-27, Code of Alabama 1975, to adjust the minimum individual taxpayer filing requirements to give consideration for the standard deduction.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Ellis (With Amendment):

S. 177. To amend Sections 12-15-1, 12-15-33, 12-15-65, and 12-15-71, Code of Alabama 1975, relating to the Juvenile Justice Act to provide further for the multiple needs child; to provide for the transfer of certain cases to the juvenile court from other courts; to provide for the proceeding to allow withdrawal from school; to create the Alabama Children's Services Facilitation Team and a county children's services facilitation team in each county; to create the State Multiple Needs Children Fund; and to make appropriations from the State General Fund and the Alabama Special Educational Trust Fund to the State Multiple Needs Children Fund.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis:

S. 246. To provide for the offense of carrying or possessing firearms, explosives, explosive weapons, and certain other dangerous weapons on the University of Montevallo property; and to declare penalties for the offense.

By Senator Foshee:

S. 18. To amend Section 28-3A-25, Code of Alabama 1975, to provide further for unlawful acts, offenses, and penalties affecting certain persons under the alcoholic beverage licensing code.

By Senator Figures:

S. 15. To establish the Parental-Adult Firearms Responsibility Act to further regulate the sale, possession, control, and use of firearms; to define and provide punishment for the felony crimes of criminal storage of a firearm in the first and second degrees when under certain circumstances a child obtains access to a firearm and causes injury or death, respectively; and to provide that this act is supplemental to any law relating to the sale, possession, control, and use of firearms.

By Senator deGraffenried:

S. 100. Authorizing the owner of goods for sale to bring a civil action to recover damages from any person who commits or attempts to commit a theft of the goods and specifying the damages therefor; and providing for a delayed effective date.

By Senator Floyd:

S. 107. To permit the Department of Corrections and the Board of Pardons and Paroles to perform certain investigations and procedures in domestic violence and related cases.

By Senator Floyd:

S. 109. To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

By Senator Bedsole:

S. 137. To amend Section 36-21-40 of the Code of Alabama 1975, relating to certain definitions applicable to the Peace Officers' Standards and Training Commission, to provide further for the definition of "law enforcement officer."

By Senator Parsons:

S. 142. To provide for the offense of giving a false name or address to a law enforcement officer; and to provide penalties.

By Senator Ghee:

S. 219. To provide for the new offense of sexual torture, to de-

fine the offense, and to provide felony punishment for the offense which penalty is cumulative.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee (With Amendment):

S. 221. Amending Sections 16-47-10 and 16-52-12, Code of Alabama 1975, permitting police officers of the University of Alabama and Jacksonville State University to carry persons arrested to the nearest municipal court; and specifying the arrest powers of police officers of the University of Alabama.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Little:

S. 229. To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship.

By Senator Langford:

S. 248. To permit the State Youth Services Director to appoint or employ persons to serve as police officers for the Department of Youth Services and specify the powers and duties of the officers.

By Senator Denton:

S. 254. To amend Section 13A-5-40, Code of Alabama 1975, by providing that murder by a defendant wherein the defendant attempts to murder one or more persons during one continuing criminal enterprise shall be a capital offense.

By Senator Smith (J):

S. 257. To amend Section 13A-5-40, Code of Alabama 1975, by providing that murder by a defendant wherein the defendant attempts to murder one or more persons during one continuing criminal enterprise shall be a capital offense.

Senator Ellis, Chairperson of the Standing Committee on Judi-

ciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Substitute):

S. 260. To prohibit a person from possessing, without authority, a state, county, or municipal traffic sign; and to provide penalties.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Amari, Bennett, Lipscomb, Campbell, Windom, Foshee, Ellis, Smith (J), Denton, Floyd, and Lindsey (With Amendment):

S. 119. To authorize the state to pay the tuition of any needy, qualified student pursuing a baccalaureate degree at any state junior college, state college, or state university; to provide for the administration of the tuition assistance plan by the Alabama Commission on Higher Education; and to provide for funding the plan.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bolling:

S. 333. To establish and provide for the "Tuition Guaranty Fund" in the State Treasury to reimburse students or entities which make loans to students of certain proprietary (for profit) postsecondary educational institutions which close prior to earning the tuition collected from their students.

By Senator Waggoner:

S. 268. To amend Section 16-17-1, Code of Alabama 1975, which defines certain terms relating to educational building authorities, to include public nonprofit corporations promoting educational television within the definition of "educational institution"; and to expand the definitions of "construct" and "ancillary improvements."

By Senator Lindsey:

S. 175. To amend Sections 16-8-10 and 16-11-18, Code of Ala-

bama 1975, relating to written policies of county and city boards of education to require the written policies be made available to all persons affected and employed by the board.

By Senators Little, deGraffenried, and Waggoner:

S. 243. Requiring two- and four-year state institutions of higher education and state vocational and technical colleges to provide information to certain retailers regarding academic materials that will be used in courses offered by the institution or college in the upcoming academic period; and providing that certain amounts of state funding will be denied to any institution or college violating this requirement.

By Senator Bennett:

S. 322. To amend Section 16-39-2, Code of Alabama 1975, relating to the education of exceptional children, so as to delete the term socially maladjusted as a categorical condition that establishes eligibility for special education placement in public schools.

Senator Dial, Chairperson of the Standing Committee on Industrial Development and Expansion, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Campbell, Clark (J), Fuller, McMillan, Laird, Drake, Blakeney, Powell, Hooper, Curry, Richardson, Carothers, Freeman, Hall, Bryant, Sanderford, Knight (A), Smith (C), Smith (R), Turnham, Harper, Rockhold, Walker, Butler, Rogers (F), Bugg, Mikell, Turner, Collins, Parker (T), McDaniel, Clay, Rich, Venable, Goodwin, Thomas, Cagle, Hill, Haney, Black (M), Hamilton, Poole, Millican, Box, Melton, Kvalheim, Zoghby, McKee, Hogan, Johnson, Newton (C), Higginbotham, Crow, Gaston, McClain, Flowers, Carter, Layson, Holley, Petelos, Sanderson, Gaines, Gullatt, Willis, Williams, Bowling, McDowell, Warren, Newton (D), Ford, Cullins, Dolbare, Morrow, Mathis, Hammett, Burke, Morton, Perdue, Carns, Harvey, Starkey, Grayson, Kennedy, Clark (W), and Letson:

H. 144. To amend Section 41-23-1, Code of Alabama 1975, to establish and specify the powers and duties of the Office of Water Resources as a division of the Department of Economic and Community Affairs; establish the Alabama Water Resources Commission and authorize the commission to promulgate rules and regulations for the Office of Water Resources; and authorize civil penalties for violations.

By Senator Dial:

S. 299. To authorize certain veterans and active reserve mem-

bers of the United States Armed Forces to purchase a distinctive motor vehicle license tag; and for this purpose to amend Section 32-6-150, Code of Alabama 1975.

By Senators Waggoner and Horn:

S. 326. To amend Section 41-9-450, Code of Alabama 1975, providing for the Alabama Sports Hall of Fame Board, to increase the membership of the board from 10 to 14 members and give the Lieutenant Governor and the Speaker of the House each an appointment to the board.

Senator Bolling, Chairperson of the Standing Committee on Consumer Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 121. To amend Section 32-6-150 of the Code of Alabama 1975, relating to the issuance and sale of commemorative license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

Senator Bolling, Chairperson of the Standing Committee on Consumer Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Little (With Amendment):

S. 231. To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operation, duties, and authority; to authorize the promulgation of reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal Section 41-6-12, Code of Alabama 1975.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale:

S. 300. Relating to funding domestic violence centers; to amend

Section 30-6-6 of the Code of Alabama 1975, to remove the requirement that one-half of the funding for facilities must be from local sources.

By Senator Hale:

S. 307. To provide that the interest of a member of a municipal governing body whose spouse is employed by the city board of education is not a special financial interest for purposes of voting on appointments to the city board of education and approving general appropriations for schools.

REPORT FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Dr. Henry J. Hector as Executive Director of the Alabama Commission on Higher Education

On motion of Senator Foshee, the re-appointment of Dr. Hector was confirmed by the Senate.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom

-26

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 140. To amend Section 41-23-1, Code of Alabama 1975, to establish and specify the powers and duties of the Office of Water Resources as a division of the Department of Economic and Community Affairs; establish the Alabama Water Resources Commission and authorize the commission to promulgate rules and regulations for the Office of Water Resources; and authorize civil penalties for violations.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 129, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Campbell, deGraffenried, Denton, Dixon,
Ellis, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little,
Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J),
Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 129. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Dauphin Island in Mobile County.
was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Campbell, deGraffenried, Denton, Dixon,
Ellis, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little,
Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J),
Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., SB 111, adopted.

Yeas 19 Nays 2

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis,
Floyd, Foshee, Ghee, Hale, Hill, Lipscomb, Mitchell, Owens,
Smith (B), Waggoner, and Windom -19

Nays:

Senators:

Amari and Sanders

- 2

UNFINISHED BUSINESS**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 111. To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

Senator Amari offered the following substitute for the Bill, SB 111, to-wit:

SUBSTITUTE FOR SB 111

To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

Senator Bennett offered the following amendment to the substitute for the Bill, SB 111, to-wit:

AMENDMENT TO SUBSTITUTE FOR SB 111

To amend the substitute to Senate Bill 111 by deleting the language establishing Senate District 15, page 34, beginning on line 30, thru, page 39, line 23, inclusive and further by deleting the language establishing Senate District 17, page 47, beginning on line 3, thru page 54, line 15, inclusive, and inserting in lieu thereof the following new language:

On page 34, beginning on line 30, insert the following:

District 15: Jefferson County: Tract 0001: Block Group 1: Block 101, Block 102, Block 103, Block 104; Block Group 2: Block 201, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227; Block Group 3, Block Group 4: Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 503, Block 504, Block 505, Block 506, Block 513, Block 514; Block Group 6: Block 612, Block 613; Tract 0019.02: Block Group 7: Block 701; Tract 0020: Block Group 1: Block 101A, Block 101B, Block 102, Block 107, Block 108, Block 110; Block Group 2: Block 201, Block 213, Block 224, Block 226, Block 232; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 408, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Tract 0021, Tract 0053.02, Tract 0059.03, Tract 0059.05, Tract 0059.06, Tract 0059.07, Tract 0059.08, Tract 0111.03, Tract 0111.04, Tract 0111.06, Tract 0111.07: Block Group 1, Block Group 2, Block Group 3: Block 301, Block 302A, Block 302B, Block 303A, Block 303B, Block 304A, Block 304B, Block 305, Block 306A, Block 306B, Block 307A, Block 307B, Block 307C, Block 307D, Block 307E, Block 307F, Block 307G, Block 307H, Block 308A, Block 308B, Block 308C, Block 308D, Block 308E, Block 308F, Block 308G, Block 308H,

Block 308J, Block 308K, Block 308L, Block 308M, Block 308N, Block 308P, Block 308R, Block 309, Block 310A, Block 310B, Block 310C, Block 310D, Block 310E, Block 310F, Block 310G, Block 310H, Block 311A, Block 311B, Block 312, Block 313, Block 314, Block 315A, Block 315B, Block 315C, Block 315D, Block 315E, Block 315F, Block 315G, Block 316, Block 317, Block 318, Block 319, Block 320A, Block 320B, Block 321A, Block 321B, Block 322, Block 323A, Block 323B, Block 323C, Block 323D, Block 323E, Block 323F, Block 323G, Block 324A, Block 324B, Block 325, Block 326, Block 327, Block 328, Block 329A, Block 329B, Block 329C, Block 329D, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336A, Block 336B, Block 336C, Block 336D, Block 336E, Block 337A, Block 337B, Block 338, Block 339, Block 340, Block 341, Block 342A, Block 342B, Block 342C, Block 342D, Block 342E, Block 342F, Block 343A, Block 343B, Block 343C, Block 343D, Block 344A, Block 344B, Block 344C, Block 345A, Block 345B, Block 346A, Block 346B, Block 346C, Block 347, Block 348A, Block 348B, Block 349A, Block 349B, Block 349C, Block 349D, Block 349E, Block 349G, Block 349H, Block 350, Block 351, Block 352, Block 353A, Block 353B, Block 354A, Block 354B, Block 354C, Block 354D, Block 354E, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370A, Block 370B, Block 370C, Block 370D, Block 370E, Block 370F, Block 371A, Block 371B; Block Group 9; Tract 0111.08: Block Group 1: Block 103, Block 104, Block 105A, Block 105B, Block 106, Block 107, Block 108, Block 109A, Block 109B, Block 110A, Block 110B, Block 110C, Block 110D, Block 110E, Block 110F, Block 110G, Block 110H, Block 110J, Block 110K, Block 110L, Block 110M, Block 110N, Block 111A, Block 111B, Block 112A, Block 112B, Block 113A, Block 113B, Block 114, Block 115A, Block 115B, Block 115C, Block 115D, Block 115E, Block 115F, Block 115G, Block 116A, Block 116B, Block 117A, Block 117B, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125; Tract 0112.05, Tract 0112.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 109, Block 110, Block 111, Block 112, Block 116, Block 117, Block 118, Block 119, Block 150, Block 151, Block 152, Block 153, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 190, Block 191, Block 192, Block 193, Block 194; Block Group 2; Tract 0112.07, Tract 0112.08, Tract 0112.09, Tract 0112.10, Tract 0113: Block Group 2: Block 270D; Block Group 4: Block 408; Tract 0117.03: Block Group 1: Block 104A, Block 104B, Block 105A, Block 106, Block 109A, Block 109B; Block Group 2, Block Group 3, Block Group 5, Block Group 7: Block 701A, Block 701B, Block 702B, Block 702C, Block 703C, Block 712, Block 713, Block 714, Block 716; Block Group 9: Block 901A, Block 901B,

Block 902, Block 904A, Block 905A, Block 905B, Block 905C, Block 906A, Block 906B, Block 907, Block 908, Block 909A, Block 909B, Block 909C, Block 909D, Block 910A, Block 911B, Block 911C, Block 912B; Tract 0117.04: Block Group 1: Block 104, Block 108, Block 109, Block 110, Block 111, Block 112A, Block 112B, Block 112C, Block 112D, Block 112E, Block 112F, Block 112G, Block 113, Block 114, Block 121A, Block 121B, Block 121C, Block 142A, Block 142B, Block 142C, Block 143, Block 144A, Block 144B, Block 144C, Block 144D, Block 144E, Block 145A, Block 145B, Block 145C, Block 145D, Block 145E, Block 146A, Block 146B, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159A, Block 159B, Block 160A, Block 160B; Tract 0117.05: Block Group 1: Block 101, Block 102A, Block 102B, Block 102C, Block 103, Block 104B, Block 105A, Block 105B, Block 105C, Block 105D, Block 105E, Block 105F, Block 105G, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110, Block 111A, Block 111B, Block 112A, Block 112B, Block 112C, Block 112D, Block 113A, Block 113B, Block 114A, Block 114B, Block 114C, Block 115A, Block 115B, Block 116A, Block 116B, Block 116C, Block 116D, Block 116E, Block 116F, Block 116G, Block 116H, Block 116J, Block 116K, Block 116L, Block 116M, Block 116N, Block 116P, Block 116R, Block 117A, Block 117B, Block 117C, Block 117D, Block 118, Block 119A, Block 119B, Block 120A, Block 120B, Block 120C, Block 120D, Block 120E, Block 121A, Block 121B, Block 121C, Block 122A, Block 122C, Block 122D, Block 122F, Block 123, Block 124, Block 125, Block 126A, Block 126B, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133; Block Group 3, Block Group 4, Block Group 6: Block 601, Block 602, Block 603, Block 604A, Block 604B, Block 605A, Block 606A, Block 607, Block 608, Block 609, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618A, Block 619A, Block 619B, Block 619C, Block 620A, Block 620B, Block 621A, Block 621C, Block 622A, Block 624, Block 625C, Block 625D, Block 625E, Block 628A, Block 628B, Block 628C, Block 628D, Block 629, Block 630, Block 632, Block 635, Block 637, Block 640, Block 641B; Tract 0117.06: Block Group 1: Block 117A, Block 117B, Block 117C, Block 117D, Block 117E, Block 117F, Block 119, Block 120A, Block 120B, Block 120C, Block 120D, Block 124A, Block 130A, Block 130B, Block 130C, Block 130D, Block 130E, Block 131, Block 132, Block 133, Block 134, Block 135, Block 137, Block 138, Block 139; Tract 0118.02, Tract 0118.03, Tract 0118.04, Tract 0119.01: Block Group 6, Block Group 7: Block 701A, Block 701B, Block 701C, Block 701D, Block 701E, Block 701F, Block 703, Block 704, Block 705A, Block 705B, Block 705C, Block 706A, Block 706B, Block 707A, Block 707B, Block 708A, Block 708B, Block 709A, Block 709B, Block 710, Block 719, Block 722, Block 725, Block 728, Block 738A, Block 738B, Block 738C, Block 749, Block 750, Block 751, Block 752A, Block 752B, Block 752C, Block 753A, Block 753B, Block 753C, Block 753D, Block 755,

Block 756, Block 757A, Block 757B, Block 758, Block 759A, Block 759B, Block 759C, Block 759D; Block Group 8: Block 801A, Block 801B, Block 801C, Block 801D, Block 802A, Block 802B, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 822; Block Group 9: Block 901A, Block 901B, Block 901C, Block 901D, Block 901E, Block 901F, Block 901G, Block 901H, Block 901J, Block 902, Block 903, Block 904B, Block 905A, Block 905B, Block 906A, Block 906B, Block 907A, Block 907B, Block 907C, Block 907D, Block 908, Block 909A, Block 909B, Block 909C, Block 910, Block 911C, Block 912B, Block 912C, Block 913B, Block 919B, Block 919C, Block 919D, Block 920A, Block 920B, Block 920C, Block 921, Block 949; Tract 0119.02: Block Group 1: Block 105, Block 106, Block 107; Tract 0126.02: Block Group 1, Block Group 9: Block 901A, Block 901B, Block 901D, Block 901E, Block 901F, Block 901G, Block 901H, Block 902B, Block 902F, Block 907, Block 908, Block 910, Block 915, Block 916A, Block 917; Tract 0127.01: Block Group 2: Block 203; Block Group 5: Block 503B, Block 504B.

On page 47, beginning on line 3, insert the following:

District 17: Jefferson County: Tract 0011: Block Group 6: Block 602A, Block 602B; Tract 0035: Block Group 1: Block 116B, Block 117, Block 119B, Block 124B, Block 124C, Block 144; Block Group 3: Block 303B, Block 303C, Block 305C, Block 305D; Block Group 4: Block 407B, Block 413B, Block 413C, Block 433B, Block 433C, Block 436; Tract 0100.01: Block Group 1, Block Group 2, Block Group 3, Block Group 9: Block 902A, Block 903A, Block 903B, Block 903C, Block 903D, Block 904, Block 905A, Block 905B, Block 905C, Block 905D, Block 915A, Block 915B; Tract 0100.02: Block Group 2: Block 201, Block 202, Block 206A, Block 206B, Block 207A, Block 207B, Block 208A, Block 208B, Block 213, Block 214, Block 223B, Block 224A, Block 224B, Block 227, Block 228, Block 229; Block Group 3, Block Group 5, Block Group 6; Tract 0104.02: Block Group 7, Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807A, Block 807B, Block 807C, Block 808, Block 809, Block 813, Block 814, Block 817, Block 819, Block 821, Block 823, Block 824, Block 826, Block 830A, Block 830B, Block 831, Block 832A, Block 832B, Block 832C, Block 833, Block 835, Block 836, Block 839, Block 850; Tract 0106.02: Block Group 2: Block 223A, Block 223B, Block 223C, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230A, Block 230B, Block 231A, Block 231B, Block 232; Block Group 7: Block 724; Tract 0106.03, Tract 0108.01: Block Group 3: Block 313; Tract 0112.06: Block Group 1: Block 107, Block 108, Block 113, Block 114, Block 115, Block 120, Block 121, Block 122, Block 123, Block 124, Block

125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 186, Block 187, Block 188, Block 189; Tract 0113: Block Group 1, Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235A, Block 235B, Block 236, Block 237A, Block 237B, Block 237C, Block 237D, Block 237E, Block 237F, Block 238, Block 239, Block 240, Block 241A, Block 241B, Block 242, Block 243, Block 244, Block 245, Block 246A, Block 246B, Block 247A, Block 247B, Block 248A, Block 248B, Block 248C, Block 249A, Block 249B, Block 250, Block 251, Block 252, Block 253, Block 254A, Block 254B, Block 254C, Block 254D, Block 255, Block 256A, Block 256B, Block 256C, Block 257, Block 258A, Block 258B, Block 259A, Block 259B, Block 260A, Block 260B, Block 261, Block 262A, Block 262B, Block 262C, Block 263A, Block 263B, Block 263C, Block 264A, Block 264B, Block 264C, Block 264D, Block 265A, Block 265B, Block 266A, Block 266B, Block 267, Block 268, Block 269, Block 270A, Block 270B, Block 270C, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Block Group 3, Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 409, Block 410; Block Group 5; Tract 0114, Tract 0115, Tract 0116, Tract 0117.03: Block Group 1: Block 101, Block 102, Block 103, Block 104C, Block 105B, Block 105C, Block 107, Block 108, Block 109C, Block 110, Block 111, Block 114, Block 115, Block 116; Block Group 7: Block 718, Block 719, Block 720, Block 726; Block Group 9: Block 903, Block 904B, Block 904C, Block 904D, Block 904E, Block 905D, Block 905E, Block 906C, Block 910B, Block 911D, Block 915B; Tract 0117.04: Block Group 1: Block 101, Block 102A, Block 102B, Block 103, Block 105, Block 106, Block 107, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121D, Block 121E, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141; Tract 0117.05: Block Group 1: Block 104A; Tract 0117.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 118,

Block 121, Block 122, Block 123, Block 124B, Block 125, Block 126, Block 127, Block 128, Block 129, Block 136; Tract 0120.01: Block Group 6: Block 609, Block 610, Block 611, Block 613, Block 614, Block 615, Block 616, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 627, Block 628, Block 630, Block 631, Block 633; Block Group 7: Block 701, Block 702, Block 704, Block 709A, Block 709B, Block 709C, Block 710A, Block 710B, Block 711, Block 712, Block 719, Block 720A, Block 720B, Block 720C, Block 720D, Block 721, Block 722, Block 723A, Block 723B, Block 724, Block 725, Block 726, Block 727, Block 728, Block 729, Block 744, Block 745, Block 753, Block 754, Block 755; Tract 0121.03, Tract 0121.04: Block Group 1, Block Group 3, Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434A, Block 434B, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 461; Tract 0122, Tract 0123.02, Tract 0123.03: Block Group 4, Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523C, Block 524B, Block 524C, Block 524D, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530; Block Group 6, Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905, Block 906A, Block 906B, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918B, Block 918D, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925; Tract 0123.04: Block Group 3, Block Group 5, Block Group 9: Block 901A, Block 901B, Block 902B, Block 903B, Block 904B, Block 906A, Block 906B, Block 906C, Block 906D, Block 906E, Block 907, Block 908A, Block 908B, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914; Tract 0124.01: Block Group 3: Block 305, Block 306, Block 307; Tract 0124.02: Block Group 1, Block Group 2: Block 201B, Block 202, Block 216, Block 221, Block 222, Block 223, Block 225; Block Group 4, Block Group 9; Tract 0124.03, Tract 0129.09: Block Group 9: Block 906A, Block 906C, Block 907A, Block 907B, Block 908; Tract 0134: Block Group 1, Block Group 3: Block 321, Block 324, Block 325, Block 326, Block 329, Block 335A; Block Group 8; Tract 0139.01: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 102C, Block 103A, Block 103B, Block 104, Block 105A, Block 105B, Block 107A, Block 107B, Block 141; Block Group 9: Block 901A, Block 901B, Block 902B, Block 902C, Block 903A, Block 903B, Block 903C, Block 904A, Block 904B, Block 905, Block 906A, Block 906B, Block 907B; Tract 0139.02: Block Group 2: Block 201A, Block 201B, Block 201C, Block

202A, Block 202B, Block 209, Block 210; Block Group 3, Block Group 4: Block 408, Block 409, Block 410, Block 411, Block 422, Block 423, Block 426, Block 427, Block 428, Block 429, Block 430; Tract 0140: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115A, Block 115C, Block 116, Block 117, Block 118A, Block 118B, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217A, Block 217B, Block 217C, Block 218A, Block 218B, Block 219A, Block 219B, Block 219C, Block 219D, Block 220, Block 221, Block 222A, Block 222B, Block 222C, Block 222D, Block 222E, Block 222F, Block 222G, Block 222H, Block 222J, Block 222K, Block 223A, Block 223B, Block 223C, Block 223D, Block 223E, Block 223F, Block 223G, Block 223H, Block 223J, Block 224A, Block 224C, Block 225, Block 226A, Block 226B, Block 227B, Block 227C, Block 230B, Block 230C, Block 230D, Block 230E, Block 230G, Block 230H, Block 230J, Block 230K, Block 230L, Block 230M, Block 230N, Block 230P, Block 230R, Block 230T, Block 231, Block 232, Block 233, Block 234A, Block 234B, Block 234C, Block 234D, Block 234E, Block 234F, Block 234G, Block 234H, Block 234J, Block 234K, Block 234L, Block 234M, Block 235A, Block 235B, Block 235C, Block 235D, Block 235E, Block 235F, Block 235G, Block 235H, Block 235J, Block 236A, Block 236B, Block 236C, Block 236D, Block 236E, Block 236F, Block 236G, Block 236H, Block 236J, Block 236K, Block 236L, Block 236M, Block 236N, Block 236P, Block 236R, Block 237, Block 238A, Block 238B, Block 238C, Block 238D, Block 239A, Block 239B, Block 240A, Block 240B, Block 241A, Block 241B, Block 241C, Block 242, Block 243A, Block 243B, Block 244A, Block 244B, Block 244C, Block 245A, Block 245B, Block 245C, Block 246A, Block 246B, Block 247A, Block 247B, Block 247C; Block Group 9: Block 902A, Block 902D, Block 916; Tract 0141.02, Tract 0141.03, Tract 0141.04: Block Group 1, Block Group 2, Block Group 9: Block 912, Block 913, Block 914; Tract 0141.05: Block Group 2: Block 204B, Block 204C, Block 204E, Block 205, Block 206, Block 212, Block 213A, Block 213B, Block 213C, Block 213D, Block 213E, Block 214; Block Group 9: Block 903A, Block 903B, Block 903C, Block 903D, Block 903E, Block 904, Block 905, Block 907A, Block 907B, Block 907C, Block 908, Block 912A, Block 912B, Block 912C, Block 913A, Block 913B, Block 914, Block 915, Block 916A, Block 916C, Block 917A, Block 917B, Block 917C, Block 918A, Block 918B; Tract 0142.03, Tract 0142.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110A, Block 110C, Block 110D, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119A, Block 119B, Block 120, Block 121A, Block 121B, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132A, Block 132B,

Block 133A, Block 133B, Block 134A, Block 134B, Block 134C, Block 135, Block 136A, Block 136B, Block 137, Block 138, Block 139, Block 140; Block Group 9; Tract 0143.02: Block Group 1: Block 106A, Block 106B, Block 109, Block 110, Block 113, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123; Block Group 3: Block 301A, Block 304A, Block 304B, Block 304C, Block 304D, Block 304E, Block 305, Block 306; Tract 0144.03: Block Group 1: Block 101L, Block 105, Block 106, Block 107A, Block 107B, Block 108A, Block 108B, Block 108C, Block 109, Block 110A, Block 110B, Block 111A, Block 111B; Block Group 3: Block 303; Block Group 4: Block 401A, Block 401B, Block 402, Block 403A, Block 403B, Block 403C, Block 403D, Block 403E, Block 404A, Block 404B, Block 404C, Block 404D, Block 405, Block 406A, Block 406H, Block 406K, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416A, Block 416B, Block 416C, Block 416D, Block 416E, Block 416F, Block 416G, Block 416H, Block 417, Block 418, Block 419A, Block 419B, Block 419C, Block 420, Block 421, Block 422A, Block 422B, Block 423A, Block 423B, Block 423C, Block 423D, Block 424; Tract 0144.07: Block Group 5: Block 528, Block 529A, Block 529B, Block 529C, Block 529D, Block 530A, Block 530B, Block 531, Block 532A, Block 532B, Block 532C, Block 532D, Block 533A, Block 533B, Block 534.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 11. MOURNING THE DEATH OF CHARLES LESTER PROCTOR OF LINEVILLE, ALABAMA.

Also:

SJR 12. COMMENDING CHARLES A. McCALLUM FOR DISTINGUISHED LEADERSHIP OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM.

Also:

SJR 15. COMMEMORATING THE CENTENNIAL OF THE LEGISLATION CREATING THE UNIVERSITY OF MONTEVALLO.

Also:

SJR 16. RECOGNIZING THE CITY OF HALEYVILLE'S "EMERGENCY 911" SERVICE, AND MR. BILL FREY.

Also:

SJR 17. NAMING THE "ROBERT J. 'MAC' McALISTER BRIDGE" IN RUSSELL COUNTY, ALABAMA.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF SB 111

The Senate proceeded to further consideration of the Bill, SB 111. The question was on the Bennett amendment to the Amari substitute.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 71. To authorize one or more counties and municipalities in the state to create public corporations to acquire real and personal property for lease to the United States of America, its departments, agencies, and instrumentalities; to provide that counties and municipalities forming such public corporations may lend, donate, or contribute money and services to such public corporations, may enter into contracts obligating counties and municipalities to lend, donate, or contribute money to the public corporations, and may borrow money for the purpose of making loans, donations, or contributions; to provide for the powers and duties of the public corporation, including the power to issue bonds; and to provide for a termination date.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate,

after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF SB 111

The Senate proceeded to further consideration of the Bill, SB 111. The question was on the Bennett amendment to the Amari substitute.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 111, and pending amendment and substitute, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 51. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY'S PROPOSED AMENDMENT OF RULE NO. 410-1-2-.05, ENTITLED "HEALTH CARE FACILITY" OF, AND PROPOSED ADOPTION OF NEW RULE NO. 410-1-2-.23, ENTITLED "OFFICES OF PRIVATE PHYSICIANS OR DENTISTS," TO THE ALABAMA ADMINISTRATIVE CODE.

WHEREAS, on October 16, 1992, the State Health Planning and Development Agency filed a "Notice of Intended Action" of the proposed amendment of Rule No. 410-1-2-.05, entitled "Health Care Facility" and proposed new Rule No. 410-1-2-.23, entitled "Offices of Private Physicians or Dentists," to the Alabama Administrative Code, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the notices appeared on pages 17 and 18 of the October 30, 1992, Alabama Administrative Monthly and were the subject of review at the December 16, 1992, meeting of the Joint Committee on Administrative Regulation Review; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(b), Code of Alabama 1975, disapproved the proposed amendment of Rule No. 410-1-2-.05, entitled

"Health Care Facility" and proposed new Rule No. 420-1-2-.23, entitled "Offices of Private Physicians or Dentists"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval of the proposed amendment of Rule No. 410-1-2-.05, entitled "Health Care Facility" and proposed new Rule No. 420-1-2-.23, entitled "Offices of Private Physicians or Dentists," by the Joint Committee on Administrative Regulation Review, is hereby sustained.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Rules were suspended and the Resolution, HJR 51, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF SB 111

The Senate proceeded to further consideration of the Bill, SB 111. The question was on the Bennett amendment to the Amari substitute.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 11

SJR 15

SJR 17

SJR 12

SJR 16

Delivered to the Governor, February 11, 1993, at 12:20 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 12:30 P.M., on motion of Senator Corbett, pending further consideration of the Bill, SB 111, the Senate adjourned until Tuesday, February 16, 1993, at 2 o'clock P.M.

SIXTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 16, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Mr. Willie McQueen, Lieutenant Governor's Staff.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Andre Sessoms, Houston Hills Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Dixon for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Foshee:

S. 379. To provide requirements for the newspaper and newsprint publishing industry in the amount of recycled newsprint to be used in their daily operations; to provide for recycling of newsprint; to provide for the use of soybean based inks as an alternative to hazardous material based inks; and to provide for penalties for false reporting of recycled newsprint use.

Committee on Commerce,
Transportation, and Utilities

By Senator Bolling:

S. 380. To regulate the dispensing of hypodermic syringes or needles designed for human use; and to provide penalties for violation of this act.

Committee on Health

By Senator Bennett:

S. 381. To amend Section 41-16-123 of the Code of Alabama 1975, to provide for the disposition of surplus personal property owned by a state college or university, including two-year colleges, and to provide for the disposition pursuant to an agreement between the division of property and colleges or universities by free and open competitive public auction or sealed bids.

Committee on Finance
and Taxation

By Senator Bennett:

S. 382. Relating to the Bessemer Division of the Tenth Judicial

Circuit in Jefferson County, amending Act No. 202, H. 449, 1990 Regular Session, so as to increase the number of Deputy District Attorneys in the Bessemer Division of the circuit.

Committee on Judiciary/Civil

By Senator Bedsole:

S. 383. To create the Infected Health Care Worker Management Act; to require reporting of an infected health care worker to the State Health Officer; to require an infected health care worker to submit to review by an expert review panel; to authorize the State Health Officer to undertake a review of the practice of an infected health care worker to determine if invasive procedures are performed by the worker; to authorize the creation of expert review panels and provide for their composition and duties; to authorize the State Health Officer to issue restrictions on the practice of the infected health care worker; to provide an appeal process; to authorize the monitoring of the practice of the infected health care worker and to require reporting of violations to the State Health Officer; to provide grounds for revocation, suspension, or restriction of infected health care workers licensed by licensing boards; to require infected health care workers and third parties with records or information to provide records or other information and to cooperate with an investigation; to provide immunity from civil and criminal liability for individuals, agencies, experts, and committees involved in the investigation of an infected health care worker; to create confidentiality standards and to provide for uses of the information gained during an investigation; to authorize promulgation of rules for administration of this act; to enable the State Board of Health to file suit in circuit court to compel compliance; and to provide penalties for violation of this act.

Committee on Health

By Senator Waggoner:

S. 384. To amend Section 36-27-15.2 of the Code of Alabama 1975, to increase the creditable service allowable and authorize credit for public education service in other states.

Committee on Finance
and Taxation

By Senator Denton:

S. 385. Providing for distinctive motor vehicle license tags or plates for supporters of "Square and Round Dance"; prescribing the fees for these tags and plates; providing for disposition of the net proceeds from the fees, and providing for a delayed effective date.

Committee on Finance
and Taxation

By Senator Denton:

S. 386. Proposing an amendment to the Constitution of Alabama of 1901, entitling every mayor, sheriff, and elected county official to participate in the State Employees' Retirement System of Alabama, its successor state employee retirement system, or a municipal or county retirement system in which the employees of the official's respective municipality or county may participate; providing for supernumerary status; and providing for definitions.

Committee on Finance
and Taxation

The above Bill was read a first time at length as required by the Constitution.

By Senator Denton:

S. 387. To regulate further municipal elections, candidates for municipal office, campaign contributions, and campaign committees for municipal office candidates; to create the Municipal Fair Campaign Practices Act; to remove the municipal elections, candidates for municipal office, campaign contributions, and campaign committees for municipal candidates from the statewide Fair Campaign Practices Act; to repeal Sections 17-22A-1 to 17-22A-23, inclusive, of the Code of Alabama 1975, regulating state and local office candidates and officials and campaigns or political committees by repealing those sections only to the extent of regulating municipal elections, municipal candidates, and municipal officials, and the campaign committees of municipal candidates; to require certain timely reports and filings with the municipal clerk or other designee and the judge of probate; to prohibit certain soliciting and accepting contributions to influence elections; to impose misdemeanor penalties for violations of the act, and specified fines for the failure to make timely filings or reports; to provide for registration of campaign committees receiving above specified sums; to provide for duties of the campaign treasurer in administering, receiving, expending, and reporting contributions; to provide for acceptable and unacceptable campaign advertising and require identification of responsible person; and to provide for unlawful acts and prescribing penalties.

Committee on Constitution
and Elections

By Senators Campbell, Corbett, and Floyd:

S. 388. To provide that each telecommunications utility and/or company that provides operator services shall ensure that a caller may access a live operator.

Committee on Commerce,
Transportation, and Utilities

By Senator Sanders:

S. 389. To require each county to establish a medical assistance facility to provide standby emergency medical services, basic medical holding and stabilization services, basic ambulatory care, radiology diagnostic services, laboratory care, birthing services, nurse midwives and physicians on call, and wellness clinics.

Committee on Health

By Senator Sanders:

S. 390. To establish a procedure by which persons who are qualified to vote in this state may register to vote by mail.

Committee on Constitution
and Elections

By Senator Sanders:

S. 391. To provide for the establishment of community development bank corporations; to require community development bank corporations to serve a specific geographic area; engage in nontraditional banking activities in its service area with persons of low and moderate income; provide tax credits for banks investing in a community development bank corporation; provide for the regulation of community development bank corporations by the State Banking Department; create a public corporation known as the Community Development Bank Authority; provide for its organization, powers, and duties; allow the authority, from time to time, to sell and issue bonds; provide for the disposition of the proceeds for the use and benefit of community development bank corporations; and provide for payment of the principal and interest on the bonds as they mature with proceeds from the investments and other payments received from the community development bank corporations.

Committee on Banking
and Insurance

By Senator Denton:

S. 392. To amend Section 36-7-21, Code of Alabama 1975, relating to persons traveling outside the state on state business, to remove persons traveling out-of-state on behalf of a state postsecondary education institution from the requirement of authorization by the Governor.

Committee on Finance
and Taxation

By Senator Sanders:

S. 393. Requiring the establishment of a school breakfast program and a school lunch program in certain schools.

Committee on Finance
and Taxation

By Senator Sanders:

S. 394. To amend Sections 16-46-3, 16-46-5, and 16-46-6, Code of Alabama 1975, relating to regulation of certain schools and courses of instruction, so as to remove the exemption of certain schools currently exempt from licensure requirements, establish program areas to be reviewed prior to the issuance of a license, increase the amount of surety bonds, and fees; and establish a tuition guaranty fund.

Committee on Education

By Senator Waggoner:

S. 395. To authorize incorporated municipalities to annex unincorporated territory which is not classified for ad valorem tax purposes as farm or residential property, and which has been enclosed within the corporate limits of the municipality for five years or more on the effective date of this act; prescribing procedures for the annexation of the unincorporated territory; and prescribing procedures for municipal ad valorem taxation of the annexed territory.

Committee on Governmental
Affairs/Local Government

By Senator Sanders:

S. 396. To increase the number of trustees on the Board of Trustees of Selma University and to provide for their appointment.

Committee on Education

By Senator Sanders:

S. 397. To authorize each county in the state to operate a prison or jail in addition to its regular county jail and to enter into agreements with other governmental entities pursuant to which prisoners from other jurisdictions are transferred to the county prison or jail for incarceration; and to provide that the provisions shall only be implemented in a county if approved by the voters.

Committee on Governmental
Affairs/Local Government

By Senator Sanders:

S. 398. To grant benefits to physicians and other medical practitioners in medically underserved areas of the state, including educational loan payments, payments for malpractice insurance, and exemption from state income tax.

Committee on Health

By Senator Sanders:

S. 399. To define the misdemeanor crime of stalking; to prescribe penalties upon first and subsequent convictions, or upon violation of certain court orders; to provide cumulative effect; and to prescribe an effective date.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Sanders:

S. 400. To provide for the scope of practice of nurse practitioners in rural areas.

Committee on Health

By Senator Sanders:

S. 401. To amend Sections 32-5A-171 and 32-5A-173, Code of Alabama 1975, as amended, which relate to maximum speed limits so as to provide that the maximum speed limit on unpaved roads shall be 25 miles per hour except as otherwise provided.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Sanders:

S. 402. Relating to health care; permitting the establishment of health care delivery networks; permitting midlevel health care practitioners to administer certain health services in the networks and prescribing the qualifications and permissible practices of these practitioners; creating the Alabama Board of Family Health Care Providers and specifying the powers and functions of the board; requiring the University of Alabama in Birmingham to establish certain continuing education programs, a physician recruitment and placement service, a Center of Excellence for Rural Health Care, and a rural health care program; requiring certain medical and nursing education modifications; permitting the establishment of health care trusts to encourage and coordinate the offering of health insurance coverage by employers and granting an income tax credit for employers and employees purchasing the insurance coverage; requiring certain students of institutions of higher education to participate in an insurance program; and requiring the establishment of a long-term case management demonstration program for functionally impaired persons.

Committee on Health

By Senator Sanders:

S. 403. To provide for nurse midwives to be the basic obstetric service for rural areas; to reestablish the Nurse Midwifery Program at the University of Alabama in Birmingham; and to provide for liability insurance.

Committee on Health

By Senator Dial:

S. 404. Relating to public schools, providing for a supplemental appropriation from the Alabama Special Educational Trust Fund for the support, maintenance, and development of the public schools of Alabama for the fiscal year ending September 30, 1993.

Select Committee on
Fiscal Responsibility

By Senator Smith (J):

S. 405. To amend Section 26-1-2, Code of Alabama 1975, so as to authorize the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

Committee on Health

By Senator Smith (J):

S. 406. To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to authorize competent adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness; permit the designation of proxy decision-makers; provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation; and provide penalties.

Committee on Health

By Senator Mitchell:

S. 407. To make a supplemental appropriation from the State Bar Association Fund to the Alabama State Bar Association for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

By Senators Campbell, Foshee, Langford, Barron, Floyd, Parsons, Dial, deGraffenried, Bolling, Owens, Smith (B), Waggoner, Amari, Ellis, Denton, Hale, Lipscomb, Bennett, Smith (J), and Little:

S. 408. To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1994.

Committee on Commerce,
Transportation, and Utilities

By Senator Hale:

S. 409. To establish a Recycling Industry and Market Development Council to assist in the development of markets for recovered materials and products with recycled content in this state and to provide for the function, duties, and membership of the council.

Committee on Commerce,
Transportation, and Utilities

By Senator Hale:

S. 410. To allow a defendant who wins a lawsuit or administrative action filed by a state agency to petition the court or administrative law judge for attorney's fees and costs.

Select Committee on
Fiscal Responsibility

By Senator Hale:

S. 411. Providing for deposit into the general fund of certain settlement monies from litigation involving the state if the deposit does not interfere with any restitution payments to be made to the victim of a crime.

Select Committee on
Fiscal Responsibility

By Senators Dial, Parsons, Lindsey, Horn, Corbett, Wilson, Foshee, Langford, and Hale:

S. 412. Relating to public health in this state; prohibiting smoking in a public place or at a meeting of a public body, except in a designated smoking area; providing for the preemption of certain other laws, ordinances, and resolutions in conflict with this bill; and prescribing penalties for violations.

Committee on Health

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 92-299, the report of the Joint Interim Legislative Task Force on the Development of Alabama's Cultural Resources was filed with the Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 28. EXTENDING THE TIME THAT THE JOINT INTERIM LEGISLATIVE COMMITTEE ON THE FEASIBILITY STUDY ON ESTABLISHING TOLL ROADS FROM HUNTSVILLE TO GULF SHORES, ALABAMA, SHALL REPORT TO THE LEGISLATURE.

Also:

HJR 78. RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

Also:

HJR 79. DESIGNATING THE WEEK BEGINNING SEPTEMBER 6, 1993, AS "ALABAMA HIRE A VETERAN WEEK."

Also:

HJR 80. RECOGNIZING THE CONTRIBUTIONS AND ACHIEVEMENTS OF JOSEPH M. FARLEY.

Also:

HJR 81. COMMEMORATING THE CENTENNIAL OF THE LEGISLATION CREATING THE UNIVERSITY OF MONTEVALLO.

Also:

HJR 86. MOURNING THE DEATH OF EVA ODESSA ALEXANDER NUNLEY OF BIRMINGHAM, ALABAMA.

Also:

HJR 92. DESIGNATING THE HUNTSVILLE DEPOT AS "HISTORICAL HUNTSVILLE DEPOT, ALABAMA'S TRANSPORTATION MUSEUM."

Also:

HJR 93. COMMENDING COACH BUD MILLS ON HIS INDUCTION INTO THE 1993 ALABAMA HIGH SCHOOL SPORTS HALL OF FAME.

Also:

HJR 98. MOURNING THE DEATH OF MRS. FANNYE JONES HARRIS OF TUSKEGEE.

Also:

HJR 100. MOURNING THE DEATH OF JOE WALTER DAVIS OF MOBILE, ALABAMA.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

HJR 51. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF

THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY'S PROPOSED AMENDMENT OF RULE NO. 410-1-2-.05, ENTITLED "HEALTH CARE FACILITY" OF, AND PROPOSED ADOPTION OF NEW RULE NO. 410-1-2-.23, ENTITLED "OFFICES OF PRIVATE PHYSICIANS OR DENTISTS," TO THE ALABAMA ADMINISTRATIVE CODE.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 19. COMMENDING THE HOMEWOOD HIGH SCHOOL BAND FOR PARTICIPATION IN THE ST. PATRICK'S DAY PARADE IN DUBLIN, IRELAND.

Also:

SJR 20. RECOGNIZING THE 25TH ANNIVERSARY OF THE 121ST UNITED STATES RESERVE COMMAND.

Also:

SJR 21. MOURNING THE DEATH OF ROBERT BRUCE GRAY OF VALLEY, ALABAMA.

Also:

SJR 22. MOURNING THE DEATH OF JAMES P. HOMER OF LIVINGSTON, ALABAMA.

Also:

SJR 23. COMMENDING ASHLEY HALFMAN, ALABAMA'S YOUNG WOMAN OF THE YEAR.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Butler, Freeman, Sanderford, Grayson, Haney, Hall, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 109. COMMENDING ROBERT W. HAGER FOR OUTSTANDING SERVICE TO THE HUNTSVILLE COMMUNITY.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (B), the Rules were suspended and the Resolution, HJR 109, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Senators Foshee and Little offered the following Senate Joint Resolution, to-wit:

SJR 24. MOURNING THE DEATH OF J. M. MERRILL OF COVINGTON COUNTY.

WHEREAS, it is with deep and abiding grief that the Alabama Legislature records the death of J. M. "Jess" Merrill of Covington County on November 15, 1992, at the age of 94 years; and

WHEREAS, a native of Rose Hill and lifelong Covington County

resident, Mr. Merrill graduated from Troy State Normal College in 1926, and served as principal of Rose Hill School until 1933; he then worked for a short while in Evergreen before establishing J. M. Merrill Motors in Andalusia, which he owned and operated for many years; and

WHEREAS, Mr. Merrill, widely known for his involvement in civic affairs, was a three-term chairman of the Covington County Commission, and was a member, former president and district governor of the Lions Club, which honored him as Lions Man of the Year; he also was a longtime member and past president of the Andalusia Chamber of Commerce, which conferred upon him the status of "lifetime honorary director" and "Citizen of the Year", and was a former director of South Central Mental Health Board; and

WHEREAS, most especially dedicated to Andalusia First Baptist Church for over 50 years, Mr. Merrill was a member of the Baraca Class and the church choir, and a former chairman of the Board of Deacons; and

WHEREAS, Jess Merrill was indeed an honest and honorable man, an exemplar of responsible and responsive citizenship, and he is sorely missed by all those who are grateful for his presence in their lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life of J. M. "Jess" Merrill and extend our most heartfelt sympathy to his sons, Warren and Jake Merrill; daughter, Frances Rebecca Wilder; and other family members, for whom copies of this resolution shall be provided.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 282. Honoring the life and public service of former Representative John L. Buskey by providing certain limited matching funds for those monies voluntarily contributed to the Penny Trust Fund; establishing procedures; designating the source and amounts of the matching funds; and repealing Section 41-15A-5, Code of Alabama 1975.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Amendment):

S. 166. To amend Section 36-29-14, Code of Alabama 1975, to authorize certain persons who administer funds for area agencies on aging under the Older Americans Act to participate in the State Employees' Health Insurance Plan.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Substitute):

S. 244. To amend Section 36-7-1, Code of Alabama 1975, to provide that Article 1, Chapter 7 of Title 36, Code of Alabama 1975, shall not apply to the use of credit cards issued in the name of the municipality by municipal officers and employees while on municipal business beyond the limits of the municipality.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 245. To amend Section 41-16-51, Code of Alabama 1975, to exempt purchases of certain computer and word processing hardware and custom software owned by any entity which would otherwise be subject to certain competitive bid requirements and to exempt professional services for the codification and publication of laws and ordinances from certain competitive bid requirements.

By Senator Langford:

S. 247. Relating to Class 3 municipalities; to further provide for the number of members of municipal boards, committees, or like bodies.

By Senator Denton:

S. 253. To provide for the "Alabama County Commissioners

College Act"; to provide for legislative intent; to provide for definitions; to provide that elected members of county commissions attend a course of training and education on local government matters; to provide for the payment of expenses from public funds; to establish the Alabama County Commissioners College; to provide for dates of the course of training and education; to provide for a board of directors of the college; and to provide for procedures relative to the administration of the college.

By Senator Windom:

S. 302. Relating to any county having a population of 300,000 or more inhabitants, but less than 600,000 inhabitants, according to the 1970 federal decennial census and the police jurisdiction, fire protection, planning commission, or zoning of any municipality in the county; providing that the police jurisdiction, fire protection, planning commission, or zoning of the respective municipality shall be coterminous with the corporate limits of the respective municipalities existing in the county, on the effective date of this act, and amending Sections 11-40-10 and 11-52-30 of the Code of Alabama 1975, for that purpose.

By Senator Denton:

S. 308. To amend Sections 11-46-5, 11-46-22, 11-46-24, and 17-9-4 of the Code of Alabama 1975, to authorize all municipalities having a general municipal election or run-off election required by general or local act at a time different from the dates now or hereafter provided by Article 2, Chapter 46, Title 11 of the Code of Alabama 1975, to elect by ordinance to have the election at the same time as required by Article 2; to change the date on which the mayor gives notice of a municipal election; to provide that where electronic voting machines are used in municipal elections, a number of electors not to exceed 1,200 may be assigned to each voting machine; and to provide the time at which the municipal governing body shall appoint election officers.

By Senator Campbell:

S. 329. To amend Section 11-24-1, Code of Alabama 1975, which authorizes a county to regulate lot size, streets, drainage, and utilities in proposed subdivisions and to authorize additions to proposed subdivisions in a county to regulate manufactured home parks; to provide that counties may employ inspectors and charge inspection fees from the owners of property inspected; and to provide for criminal penalties for violations of Chapter 24 of Title 11 of the Code of Alabama 1975, and any rules or regulations made pursuant to the chapter.

By Senator Windom:

S. 336. Relating to any county having a population of 300,000

inhabitants or more, but less than 600,000 inhabitants, according to the 1970 federal decennial census and the jurisdiction of the planning commission of any municipality in the county; providing that the jurisdiction of the planning commissions of the respective municipalities shall be coterminous with the corporate limits of the respective municipalities existing on the effective date of this bill and amending Sections 11-40-10 and 11-52-30 of the Code of Alabama 1975, for that purpose.

By Senator Windom:

S. 339. To amend Sections 22-24-1, 22-24-4, 22-24-5, and 22-24-8, Code of Alabama 1975, relating to water well standards, so as to provide further for the licensing of well drillers and to repeal Section 22-24-12, Code of Alabama 1975, which exempts Baldwin County from the chapter.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 191. To establish an urban educational and job training program in the areas of forestry and horticulture to be administered by the Alabama Forestry Commission and to be entitled the Urban and Community Forestry Financial Assistance Program.

By Senators Bedsole, Lindsey, Denton, Dial, Owens, Ellis, Bolling, and Hill:

S. 237. To further provide for certain fishing licenses; to provide for a resident seven-day trip saltwater fishing license; to amend Section 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing in Section 9-11-53.2, Code of Alabama 1975; to further provide for the fee for a resident combination saltwater-freshwater fishing license; to provide for a public fishing pier license and a saltwater pier fishing license; to amend Section 9-11-55, Code of Alabama 1975; to provide for a nonresident annual freshwater fishing license; to provide for a nonresident annual saltwater fishing license; to provide for a nonresident seven-day trip saltwater fishing license; to provide for the sale of a nonresident annual combination saltwater-freshwater fishing license; to amend Section 9-11-56, Code of Alabama 1975, to provide for a nonresident seven-day trip freshwater fishing license; to amend Section 9-12-113, Code of Alabama 1975, relating to saltwater commercial hook and line fishing and saltwater net or seine fishing, to further provide for licensing of nonresidents and to further provide for the confiscation of

equipment used to fish illegally with nets and seines; and to provide penalties for violations.

By Senators Smith (J), Bedsole, Dial, Hale, and Mitchem:

S. 255. To appropriate from the General Fund of the State Treasury the sum of \$1,600,000 for the fiscal year ending September 30, 1993, for the Department of Agriculture and Industries Agricultural Development Services Program, which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication; to provide that the appropriation shall be supplemental.

COMMITTEE APPOINTMENT ANNOUNCED

The President and Presiding Officer of the Senate announced that Senator Bennett has been appointed to the following Standing Committee of the Senate, to-wit:

Chairperson - Local Legislation No. 2

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 111. To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

and pending Bennett amendment to the Amari substitute, which said amendment and substitute were offered on the Fifth Legislative Day.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 19. COMMENDING THE HOMEWOOD HIGH SCHOOL BAND FOR PARTICIPATION IN THE ST. PATRICK'S DAY PARADE IN DUBLIN, IRELAND.

Also:

SJR 20. RECOGNIZING THE 25TH ANNIVERSARY OF THE 121ST UNITED STATES RESERVE COMMAND.

Also:

SJR 21. MOURNING THE DEATH OF ROBERT BRUCE GRAY OF VALLEY, ALABAMA.

Also:

SJR 22. MOURNING THE DEATH OF JAMES P. HOMER OF LIVINGSTON, ALABAMA.

Also:

SJR 23. COMMENDING ASHLEY HALFMAN, ALABAMA'S YOUNG WOMAN OF THE YEAR.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF SB 111

The Senate proceeded to further consideration of the Bill, SB 111. The question was on the Bennett amendment to the Amari substitute.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

HJR 109. COMMENDING ROBERT W. HAGER FOR OUTSTANDING SERVICE TO THE HUNTSVILLE COMMUNITY.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate,

after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF SB 111

The Senate proceeded to further consideration of the Bill, SB 111. The question was on the Bennett amendment to the Amari substitute.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 19

SJR 21

SJR 23

SJR 20

SJR 22

Delivered to the Governor, February 16, 1993, at 3:05 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 4:35 P.M., on motion of Senator Corbett, pending further consideration of the Bill, SB 111, the Senate adjourned until Thursday, February 18, 1993, at 11 o'clock A.M.

SEVENTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 18, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Wendell Mitchell, Thirtieth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Elizabeth Dixon, The Montgomery Academy, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Bennett for today.

BILL RE-REFERRED

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the Bill, SB 363, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, SB 363, re-referred to the Standing Committee on Industrial Development and Expansion.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Smith (J) (With Notice and Proof):

S. 413. Relating to Limestone County; providing further for the distribution of a special recording fee on documents filed in the probate office.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 413, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Amari (With Notice and Proof):

S. 414. Relating to the City of Birmingham in Jefferson County, to further amend Act No. 929, 1951 Regular Session and as extensively amended by Act No. 1272, 1973 Regular Session which created a Retirement and Relief System for officers and employees of Class 1 Municipalities, so as to provide further for a member appointed

by the city council and a retired member elected by the retired members in the system to serve as members of the board of managers of the City of Birmingham Retirement and Relief System; to provide further for a quorum of the board; to provide additional compensation for members of the board; and to provide further for the filing of reports and records which shall be public records subject to inspection.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 414, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Waggoner:

S. 415. To provide for an additional fee for filing or recording any real property instrument of conveyance, or interest in real property by deed or otherwise; to provide for a fee for the judge of probate, or like official who records real property instruments, for administering this act; to provide for the disposition of the revenues generated by this act; and to provide that a certain portion of the revenues shall be designated in the State General Fund to the credit of the State Department of Conservation and Natural Resources, Division of State Land Surveys, with any excess of revenues reverting to the State General Fund at the end of the fiscal year.

Select Committee on
Fiscal Responsibility

By Senator Campbell:

S. 416. To amend Section 16-8-6, Code of Alabama 1975, relating to vacancies in county boards of education, to provide that an appointee may serve out the unexpired term or until the next regular election, whichever occurs first.

Committee on Education

By Senator Figures:

S. 417. To amend Section 32-6-300 of the Code of Alabama 1975, by providing that owners of all motor vehicles may purchase the "Helping Schools" tags.

Committee on Small Business

By Senator Floyd:

S. 418. To repeal Section 36-21-4.1 of the Code of Alabama 1975, which relates to overtime compensation for a deputy sheriff.

Committee on Governmental
Affairs/Local Government

By Senator Windom:

S. 419. Relating to the George Wallace, Jr., Plan for Linked Deposits; to amend Sections 5-21-2, 5-21-3, 5-21-4, and 5-21-9, Code of Alabama 1975, to expand the plan to include linked deposits to support loans made to qualifying applicants to state sponsored housing assistance programs and to increase the amount of funds available under the plan.

Committee on Banking
and Insurance

By Senator Windom:

S. 420. To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, to permit municipal and county funds to be invested in certain common trust funds, collective investment funds, open-end or closed-end management type investment companies, and investment trusts whose portfolios consist solely of certain specified investments and in repurchase agreements respecting the investments.

Committee on Banking
and Insurance

By Senators Mitchell and Bailey:

S. 421. Relating to in-home services and equipment to persons with a developmental disability and families having a person with a developmental disability; to create the Individual and Family Support Program to provide those services and equipment; and to make the act effective October 1, 1993, and to provide that the act shall continue after October 1, 1998, only if continued by an act of the Legislature.

Committee on Finance
and Taxation

By Senator Foshee:

S. 422. To revise the present bail system, by establishing four

kinds of bail, judicial public bail, cash bail, property bail, and professional surety bail, and to establish rules, regulations, and laws to guarantee that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer criminal charges; to establish a more lenient and secure form of property bail; to establish laws that guarantee speedy release on bail; to grant to the Alabama Supreme Court the authority to promulgate and adopt rules to regulate the qualification of Professional Bail and Professional Surety Companies engaged in the bail business; and to establish laws that ensure the payment to the State of Alabama and its subdivisions of monies owed from defaults of bail.

Committee on Finance
and Taxation

By Senator Langford:

S. 423. To amend Section 17-4-189, Code of Alabama 1975, to provide compensation and reimbursement for expenses for deputy registrars appointed for special sessions of the Board of Registrars for the purpose of purging the registration lists.

Committee on Finance
and Taxation

By Senator Ghee:

S. 424. To amend Sections 44-1-73 and 44-1-75, Code of Alabama 1975, relating to the Youth Services Department Special School District, to permit the district to provide education in juvenile detention facilities; and provide further for teachers in the district.

Committee on Education

By Senator Bolling:

S. 425. To provide further for the reimbursement of health care providers by insurance companies, and to repeal Section 27-1-17 of the Code of Alabama 1975.

Committee on Banking
and Insurance

By Senator deGraffenried:

S. 426. To provide for school attendance standards and the operation of motor vehicles by certain persons; and to provide a prospective effective date.

Committee on Education

By Senator Windom:

S. 427. To authorize the State of Alabama and its agencies, boards, commissions, and departments, and counties, municipalities, county boards of education, city boards of education, and various other political subdivisions, instrumentalities, and public corporations to enter into leases, lease-purchase contracts, installment-purchase contracts, and similar agreements and arrangements; to delineate certain mandatory and optional provisions of the leases, contracts, agreements, and arrangements; to provide the conditions under which the lease contracts, agreements, and arrangements shall be deemed not to create a debt of the lessee or purchaser; to declare certain obligations of the governmental entity and certain rights and remedies of the lessor, grantor, or other comparable party under the leases, contracts, agreements, and arrangements in the event of expiration, cancellation, or termination of the leases, contracts, agreements, or arrangements, including the obligation of the governmental entity to return the subject property; to authorize governmental entities to specify that the leases, contracts, agreements, or arrangements are general obligations of the governmental entity or are limited obligations of the governmental entity payable from a specified source and to secure the leases, contracts, agreements, and arrangements with pledges by governmental entities of taxes levied by the governmental entity, payments in-lieu-of-taxes paid or payable to the governmental entity, taxes apportioned and paid to the governmental entity, income from the investment of moneys lawfully held by the governmental entity, and revenues from revenue-producing properties in order to secure the leases, contracts, agreements, or arrangements; to declare that the leases, contracts, agreements, and arrangements constitute the exercise by the governmental entities of their borrowing power and constitute evidences of indebtedness under Section 8-8-7, Code of Alabama 1975, establishing exemptions from usury and similar laws for the bonds, notes, warrants, other evidences of indebtedness, or securities of specified governmental entities; to provide that the leases, contracts, agreements, and arrangements are legal and authorized investments for banks, municipal loan associations, insurance companies, fiduciaries, and trustees; to provide that the act is declaratory of existing law; and to repeal Section 11-80-8, Code of Alabama 1975.

Committee on Banking
and Insurance

By Senators Barron and Dial:

S. 428. To amend Section 2-11-74 of the Code of Alabama 1975, relating to the certification of the grades of fruits and vegetables, to remove the requirement that persons grading or labeling, or handling fruits and vegetables have a certificate of inspection from the Commissioner of Agriculture in their possession.

Select Committee on
Fiscal Responsibility

By Senator Barron:

S. 429. To amend Sections 8-19-3, 8-19-5, 8-19-6 and 8-19-8, Code of Alabama 1975, relating to the Deceptive Trade Practices Act, to add provisions relating to promotional giveaways, credit repair services, campground membership facilities, career consulting firms, loan brokers, health spas, and odometers; and provide misdemeanor and felony penalties for specific violations.

Select Committee on
Fiscal Responsibility

By Senator Parsons:

S. 430. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, pertaining to paid vacation time for certain employees of county and city boards of education; to allow local boards of education to provide paid leaves of absence or vacations for all its respective employees.

Committee on Finance
and Taxation

By Senator Parsons:

S. 431. To allow the officers and employees of the American Federation of Teachers in Alabama to elect to participate in the Teachers' Retirement System.

Committee on Finance
and Taxation

By Senator Parsons:

S. 432. To amend Sections 17-22A-6 and 17-22A-7 of the Code of Alabama 1975, to provide for campaign funds to be maintained in an interest-bearing account and to provide for the distribution of the interest from the account to the State General Fund.

Committee on Constitution
and Elections

By Senator Parsons:

S. 433. To amend Section 36-26-28 of the Code of Alabama 1975, to limit the suspension of an employee to 20 calendar days during a 12 month period.

Committee on Governmental
Affairs/State Administration

By Senator Bailey:

S. 434. Transferring certain sections of the Code of Alabama 1975, regarding the crime of child abuse, amending the Code of Alabama 1975 by adding Section 13A-6-26, repealing Sections 26-15-1, 26-15-2, 26-15-3, and 26-15-4, Code of Alabama 1975.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Ellis:

S. 435. Relating to eligibility for retirement of justices of the supreme court, judges of courts of appeals, and judges of circuit courts; amending Section 12-18-6, Code of Alabama 1975, to reopen the Judicial Retirement Fund to allow certain judges to purchase additional prior service credit.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Horn:

S. 436. To provide tax exemptions for certain nonprofit corporations; to authorize leases of public property to, and appropriations of public funds for, those nonprofit corporations; and to provide for certification of eligibility of nonprofit corporations by the Department of Revenue.

Committee on Finance
and Taxation

By Senator Horn:

S. 437. To provide further for certain sales tax exemptions, to amend Section 40-23-4, Code of Alabama 1975.

Committee on Finance
and Taxation

By Senator Horn (With Notice and Proof):

S. 438 To amend Sections 6.08 and 6.09 of Act No. 452, H. 974, approved September 9, 1955, providing for a Mayor-Council form of government for the City of Birmingham as classified on a population basis in 1955, to provide further for competitive bidding on certain public works contracts entered into by the city.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 438, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, February 23, 1993, at 1 o'clock P.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 140. To amend Section 41-23-1, Code of Alabama 1975, to establish and specify the powers and duties of the Office of Water Resources as a division of the Department of Economic and Community Affairs; establish the Alabama Water Resources Commission and authorize the commission to promulgate rules and regulations for the Office of Water Resources; and authorize civil penalties for violations.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 113. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, February 18, 1993, they adjourn to meet again on Tuesday, February 23, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 113, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Rockhold and Harper:

HJR 116. CONGRATULATING MRS. SARAH BARTON CUPIT ON THE OCCASION OF HER 85TH BIRTHDAY.

Also:

By Rep. Black (L):

HJR 117. MOURNING THE DEATH OF MRS. MAMIE BROWN OF WARD, ALABAMA.

Also:

By Reps. McMillan and Penry:

HJR 118. COMMENDING Y. CHARLES EARLE, JR., FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 116 and 118, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Parsons, the Rules were suspended and the Resolution, HJR 117, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on

Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 278. To further provide for the implementation of the pilot project for a uniform system for electronic voting and for the electronic totaling of all votes cast on the voting machines and for the electronic transfer of election returns in the 1993 elections; to provide for reimbursement by the state of certain expenses of the county from savings from election expenses and election printing expenses; and to provide for orderly participation of counties in the program.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Windom and Bailey:

S. 364. To amend Section 27-42-8, Code of Alabama 1975, relating to the Alabama Insurance Guaranty Association Act, to extend the time limitation and maximum amount of claim for payments.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Substitute):

S. 406. To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to authorize competent adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness; permit the designation of proxy decision-makers; provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation; and provide penalties.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 405. To amend Section 26-1-2, Code of Alabama 1975, so as to authorize the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

By Senator Bedsole:

S. 383. To create the Infected Health Care Worker Management Act; to require reporting of an infected health care worker to the State Health Officer; to require an infected health care worker to submit to review by an expert review panel; to authorize the State Health Officer to undertake a review of the practice of an infected health care worker to determine if invasive procedures are performed by the worker; to authorize the creation of expert review panels and provide for their composition and duties; to authorize the State Health Officer to issue restrictions on the practice of the infected health care worker; to provide an appeal process; to authorize the monitoring of the practice of the infected health care worker and to require reporting of violations to the State Health Officer; to provide grounds for revocation, suspension, or restriction of infected health care workers licensed by licensing boards; to require infected health care workers and third parties with records or information to provide records or other information and to cooperate with an investigation; to provide immunity from civil and criminal liability for individuals, agencies, experts, and committees involved in the investigation of an infected health care worker; to create confidentiality standards and to provide for uses of the information gained during an investigation; to authorize promulgation of rules for administration of this act; to enable the State Board of Health to file suit in circuit court to compel compliance; and to provide penalties for violation of this act.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Floyd:

S. 106. To provide for the circuit clerk of each county to charge a specified fee for criminal history reports requested by private companies or corporations and to provide that the proceeds collected be deposited in a special fund for office expenses by the circuit clerk of the county.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in

session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee (With Amendment):

S. 295. To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving under the influence of alcohol and drugs to increase the penalties and sanctions for a fourth and subsequent conviction.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bolling:

S. 334. To provide for certain crimes and offenses relating to animals and research, agricultural, or educational facilities relating to animals; and to provide penalties, restitution, and injunctive relief.

By Senator Windom:

S. 338. To amend Section 15-19-1 of the Code of Alabama 1975, relating to the consideration of persons charged with a crime committed during minority for the treatment as a youthful offender, to further provide for denial of youthful offender status solely on consideration of an offense charged in an indictment when the offense charged is a Class A felony.

By Senator Little:

S. 373. To make the willful violation of any provision of a temporary or permanent protection order or restraining order involving domestic relations or family violence issued pursuant to the Protection From Abuse Act, Section 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, and restraining orders or injunctions in which a history of family violence or abuse is cited issued in domestic relations, family violence or juvenile courts in domestic relations or family violence cases, a Class A misdemeanor; to impose additional mandatory minimum penalties; to permit the arresting officer certain arrest powers with probable cause; to provide for an affirmative defense for lack of knowledge and burden of proof; to provide certain immunities; and to provide this act shall be construed in *pari materia* with Chapter 5 of Title 13A, Code of Alabama 1975, and other pertinent laws, relating to fines, sentences, and unlawful civil and criminal acts.

By Senators Ellis, Mitchem, Bolling, Bedsole, Little, Bennett, Smith (B), Dial, Waggoner, Hale, Windom, Floyd, Foshee, Lipscomb, Hill, and Owens:

S. 340. To provide that carjacking is a crime, provide for different classes of carjacking, and further provide for a penalty for persons convicted of carjacking.

By Senator Little:

S. 342. To amend Section 15-10-3, Code of Alabama 1975, relating to arrests without warrants, to include within the offenses and circumstances in which arrests may be made without a warrant the instance when an officer has reason to believe a crime has been committed on school property by the person arrested.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 125. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain benefits within a spousal estate when the court determines an allowance upon the grant of a divorce.

By Senator Langford:

S. 178. To provide for the automatic restoration of voting rights for certain persons who fulfill the conditions of the sentence or conditions required by the state Board of Pardons and Paroles; and to specifically repeal Section 17-3-10 of the Code of Alabama 1975.

By Senators Bedsole and Floyd:

S. 316. To provide that the Alabama Coalition Against Domestic Violence, Incorporated, shall establish standards for domestic violence shelters for membership in the coalition; and to provide that domestic violence shelters within the State of Alabama that meet the standards shall be eligible for receiving state funds.

By Senator Wilson:

S. 349. To amend Sections 15-12-1 and 15-12-25, Code of Alabama 1975, relating to the defense of indigents, to define further the

term "indigent defense system" to include the use of a contract counsel system; to provide for and authorize a contract counsel system for use in each county for providing indigent defense services by one or more attorneys, law firms, associations, corporations, or partnerships, pursuant to one or more contracts with the circuit indigent defense commission, approved by the presiding circuit judge; to provide for compensation under each contract to be set by the circuit indigent defense commission, subject to review by the Administrative Director of Courts, and approval by the State Comptroller; and to provide that certain sections of this act shall not be construed to supersede any provision of the Alabama Rules of Criminal Procedure or any other provision of law relating to public defenders.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

S. 149. To amend Section 16-45-4, Code of Alabama 1975, relating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of a member institution to designate an officer or employee of the institution to serve on the board.

By Senator Windom:

S. 199. To revise the membership of the Commission on Uniform State Laws and provide for the payment of its expenses and dues by amending Sections 41-9-370 to 41-9-374, inclusive, Code of Alabama 1975; and to make a supplemental appropriation to the commission.

By Senator Mitchem:

S. 170. To provide that certain full-time employees and executive officers of the Alabama State Special Olympics, Inc., may elect to become members of the Teachers' Retirement System of Alabama; to provide that the entity and its employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state; and to provide for the purchase of certain previous service credit in the system retroactively.

By Senator Smith (B):

S. 344. To provide for a construction industry craft training ed-

ucation program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Training Board; and to impose a construction permit surcharge to fund a construction industry craft training program.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Little (With Substitute):

S. 226. To amend Act No. 92-608, S. 109, 1992 Regular Session, now appearing as Sections 34-14A-6 and 34-14A-16, Code of Alabama 1975, to exempt from the licensing requirement of the Home Builders Licensure Board, residential home builders in counties having populations of less than 40,000.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Substitute) (With Amendment):

S. 167. To authorize the director of finance to establish by October 1, 1993, a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, which currently make the board of adjustment the exclusive remedy for state employees who are injured while at work.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 94. To amend Section 16-28-12 of the Code of Alabama 1975, relating to the responsibility of a parent, guardian, or person in charge of a child to ensure that the child enrolls and attends school and conducts himself or herself properly as a pupil; to require principals and superintendents to report suspected violations to the district attorney, to provide criminal penalties for failure to report, and to require district attorneys to vigorously enforce the law; to require local boards of educa-

tion to establish programs to inform parents of school children of their education-related responsibilities to their children.

By Senator deGraffenried:

S. 95. Requiring the Alabama Commission on Higher Education to establish a statewide steering committee to improve participation in two-year and four-year postsecondary education and prescribing the duties of the committee; requiring the commission to enter into a contract to establish a center to provide communications regarding postsecondary education; and permitting the commission to seek supplemental funding.

By Senator deGraffenried:

S. 96. To amend Section 9 of Act No. 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.3, Code of Alabama 1975, to require certain 10th grade students to enter a vocational or technical curriculum, unless the parent or guardian objects; and to provide for the competency measurement level of the Alabama High School Graduation Exam.

By Senator deGraffenried:

S. 97. To require local boards of education to provide to certain students instruction in parental responsibility, the importance of an education, and how to study.

By Senator deGraffenried:

S. 98. To amend Section 8 of Act 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.2, Code of Alabama 1975, to require local boards of education to establish voluntary tutorial programs.

By Senator Foshee:

S. 207. To provide further for the administration, powers, and duties of the Legislative Reference Service by amending Sections 29-7-2, 29-7-4, 29-7-5, and 29-7-6 and repealing Section 29-7-3 of the Code of Alabama 1975.

By Senator Dial:

S. 280. To amend Section 30-3-61, Code of Alabama 1975, relating to income withholding orders for child support, to extend immediate income withholding to all support orders issued or modified on or after January 1, 1994, except under specified criteria.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Little (With Amendment):

S. 230. To establish the "Alabama Child Nutrition Law"; to require local boards of education to establish school breakfast and lunch programs beginning with the 1994-95 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom (With Amendment):

S. 130. To amend Sections 22-25-1, 22-25-2, 22-25-7, 22-25-9, 22-25-11, 22-25-12, 22-25-14, and 22-25-15, Code of Alabama 1975, relating to the regulation of water and wastewater systems and treatment plants; to permit the Department of Environmental Management to also regulate public wastewater collection systems; to provide for operator certification; and to relieve the appropriate district attorney of certain enforcement duties.

By Senator Bennett (With Amendment):

S. 164. To amend Sections 22-23-32, 22-23-37, 22-23-40, 22-23-41, 22-23-44, 22-23-47, and 22-23-49 of the Code of Alabama 1975, relating to water suppliers and safe drinking water, to delete certain department consulting requirements; to require water suppliers to notify customers in certain instances; to exempt from certain permitting requirements ground water investigations, exploratory drillings, test wells, or pilot plant studies; to provide for the permitting process; to prohibit the introduction of certain substances and matters into a water supply and to prescribe criminal penalties for violations of the prohibition; and to permit the department to establish certain laboratory certification procedures.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Campbell, Foshee, Denton, and Barron:

S. 208. To prohibit the enactment by local governmental units of ordinances, resolutions, or rules controlling the amount of rent charged for leasing private property; and to provide for the retroactive effect of this act.

By Senator Ellis:

S. 240. To further provide for commercial driver licensing; to require the Director of Public Safety to implement retroactively to March 30, 1992, or on the first date authorized, a waiver for certain seasonal drivers from the knowledge and skill requirements of the commercial driver license to the extent and for the period authorized by federal law, rule, and regulation; and to provide that the waiver shall be cumulative to any other exception and shall appear with applicable endorsements on the commercial driver license pursuant to Section 32-6-49.7 of the Code of Alabama 1975.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale (With Substitute):

S. 266. To amend further Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act, to prescribe fines for certain violations of the act.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Campbell, Foshee, Langford, Barron, Floyd, Parsons, Dial, deGraffenried, Bolling, Owens, Smith (B), Waggoner, Amari, Ellis, Denton, Hale, Lipscomb, Bennett, Smith (J), and Little:

S. 408. To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities;

to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1994.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee (With Substitute) (With Amendment):

S. 238. To amend Sections 22-28-2 and 22-28-12, Code of Alabama 1975, relating to clean air emission standards for motor vehicles; to authorize the Department of Environmental Management to adopt, fund, and administer a motor vehicle emission control program for Alabama in compliance with the federal Clean Air Act Amendments of 1990.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Amendment):

S. 131. To amend Section 34-2-37, Code of Alabama 1975, relating to the practice of architecture by a corporation, professional corporation, or professional association by deleting the requirement that all officers and shareholders be architects and professional engineers registered under the laws of Alabama.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Substitute) (With Amendment):

S. 205. To provide for an income tax credit to corporations for equipment manufacturing products containing recycled material.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 335. To further provide for preference given to Alabama persons, firms, or corporations in the awarding of public contracts subject to the State Competitive bid law and to amend Section 41-16-27, Code of Alabama 1975.

By Senator Windom:

S. 337. Relating to motor vehicles; to prohibit inducing the buyer of a motor vehicle pursuant to a retail installment contract or the lessee of a motor vehicle pursuant to a lease contract from subleasing the motor vehicle without certain consent; to prohibit the offering for hire of motor vehicles subleased in violation of this act; and to provide penalties.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 328. To make an appropriation to the Department of Public Health from the Alabama Legacy for Environmental Research Trust for the fiscal year ending September 30, 1993.

By Senator Foshee:

S. 368. To propose an amendment to the Constitution of Alabama of 1901 to repeal Amendment 339 and Amendment 448 of the Constitution of 1901. This bill would limit total appropriations from state funds in any fiscal year to the revenue collected for the fiscal year that ended one year prior to the commencement of the fiscal year for which said appropriations are being made; provide for a 1 year phase-in period for appropriations from the State General Fund and a 5 year phase-in period for appropriations from the Alabama Special Educational Trust Fund; provide a procedure for appropriation of balances; provide a procedure for supplemental appropriations during special sessions; provide a procedure for appropriations of revenue-raising measures; provide for the convening of the Legislature in two annual Regular Sessions; provide for special sessions; provide for the duration of legislative

sessions and the legislative matters to be considered at said sessions; provide a procedure for the consideration of basic appropriation bills; provide a 24 hour notification of any Conference Committee report on appropriation bills prior to a vote being taken; provide for an automatic special session for budgets should they fail to be enacted in the first annual budget and revenue session; and provide a procedure for the Governor to prevent a deficit in any state fund. This bill would authorize the Legislature to make appropriations for multiple purposes in one or more general appropriation bills and to make appropriations to institutions that are not under the absolute control of the state. This bill will provide for a constitutional election on the proposed amendment.

The above Bill was read a second time at length as required by the Constitution.

By Senator Bennett:

S. 374. To amend Section 41-5-6, Code of Alabama 1975, relating to powers and duties of the Chief Examiner of Public Accounts, to provide specific authorization to the chief examiner to contract for products and services, expend appropriations, and establish the duty requirements, positions, pay plan, and number of employees of the Department of Examiners of Public Accounts.

By Senator Dial:

S. 404. Relating to public schools, providing for a supplemental appropriation from the Alabama Special Educational Trust Fund for the support, maintenance, and development of the public schools of Alabama for the fiscal year ending September 30, 1993.

By Senator Hale:

S. 410. To allow a defendant who wins a lawsuit or administrative action filed by a state agency to petition the court or administrative law judge for attorney's fees and costs.

By Senator Hale:

S. 411. Providing for deposit into the general fund of certain settlement monies from litigation involving the state if the deposit does not interfere with any restitution payments to be made to the victim of a crime.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Owens, Ellis, Amari, Waggoner, deGraffenried, Wilson, Bennett, Little, Hale, and Ghee:

S. 371. To amend Section 16-54-18, Code of Alabama 1975, to provide for the transfer of certain proceeds and interest to the University of Montevallo Restricted Endowment Fund.

REPORTS FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Betty Brady to the Alabama Agricultural and Mechanical University Board of Trustees

On motion of Senator Foshee, the appointment of Ms. Brady was confirmed by the Senate.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -26

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. Chris McNair to the Alabama Agricultural and Mechanical University Board of Trustees

On motion of Senator Foshee, the re-appointment of Mr. McNair was confirmed by the Senate.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Waggoner, and Windom -26

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. G. W. Ponder, III to the Alabama Agricultural and Mechanical University Board of Trustees

On motion of Senator Foshee, the appointment of Mr. Ponder was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -28

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Dr. Oscar Tucker to the Alabama Agricultural and Mechanical University Board of Trustees

On motion of Senator Foshee, the re-appointment of Dr. Tucker was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -28

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Election and ordered same returned to the Senate with a favorable report, to-wit:

Re-election of Archbishop Oscar H. Lipscomb to the Alabama Department of Archives and History Board of Trustees

On motion of Senator Foshee, the re-election of Archbishop Lipscomb was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -28

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Election and ordered same returned to the Senate with a favorable report, to-wit:

Re-election of Robert E. Steiner, III to the Alabama Department of Archives and History Board of Trustees

On motion of Senator Foshee, the re-election of Mr. Steiner was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -28

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Sheila Brooks to the Credit Union Board of the Credit Union Administration

On motion of Senator Foshee, the appointment of Ms. Brooks was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton,

Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -28

Nays: - 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. James G. Lankford to the Credit Union Board of the Credit Union Administration

On motion of Senator Foshee, the re-appointment of Mr. Lankford was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -28

Nays: - 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. Thomas Magruder, Jr. to the Credit Union Board of the Credit Union Administration

On motion of Senator Foshee, the re-appointment of Mr. Magruder was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -28

Nays: - 0

RECESS

At 12 o'clock Noon, on motion of Senator Windom, the Senate took a recess until 1:15 P.M.

At 1:15 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 140. To amend Section 41-23-1, Code of Alabama 1975, to establish and specify the powers and duties of the Office of Water Resources as a division of the Department of Economic and Community Affairs; establish the Alabama Water Resources Commission and authorize the commission to promulgate rules and regulations for the Office of Water Resources; and authorize civil penalties for violations.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Senator Lindsey offered the following Senate Joint Resolution, to-wit:

SJR 25. SPECIFYING THE LEGISLATIVE INTENT OF ACT 91-617.

WHEREAS, the Alabama Legislature passed HB-324 which later became Act 91-617 on July 30, 1991; and

WHEREAS, the Act specifically states that any member of the teachers' or employees' retirement system of Alabama may, at the member's option, in lieu of receiving payment for 50 percent of their accrued and unused sick leave at the time of their retirement, convert up to 180 accrued sick leave days to creditable service in the employee's retirement system; and

WHEREAS, the additional 30 days credit beyond the 150 allowed by State Personnel, can only be claimed toward retirement credit and not used as the accrued sick leave to calculate the option of receiving payment for 50 percent at the time of their retirement; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that it was and is the intent of Act 91-617, that any member of the teachers' or employees' retirement system to exercise the option to use up to 180 days of accrued sick leave toward creditable service in the retirement system in lieu of receiving pay for 50 percent of up to 150 accrued days allowed by State Personnel.

BE IT FURTHER RESOLVED, that the State Personnel Department amend its rules to conform with Act 91-617 and permit any employee to exercise his/her option authorized pursuant to this Act.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Retirement Systems of Alabama and to the Director of State Personnel.

On motion of Senator Lindsey, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Figures offered the following Senate Joint Resolution, to-wit:

SJR 26. RECOGNIZING ALABAMA'S PUBLIC HEALTH NURSES AND THEIR PROFESSIONAL CONTRIBUTIONS.

WHEREAS, the Alabama State Health Department is joining the other 49 states and four territories in celebrating the centennial year of public health nursing in the United States; and

WHEREAS, professional public health nursing in America began in New York City in 1893 when Lillian Wald began a nursing practice from her home, the need for which was awakened by a child who sought Miss Wald's help for her mother who had recently given birth and was in need of care; and

WHEREAS, thus was born the public health nursing profession whose members have served unselfishly, over the past one hundred years, as guardians of the public's health; and

WHEREAS, the invaluable contributions of public health nurses in Alabama include such major services as the protection and promotion of health through preventive health teaching and skilled nursing measures; health assessments/instruction and supervision of the citizenry; and the

provision of a high standard of care to individuals, regardless of their religion, socio-cultural or economic diversities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition and celebration of the centennial (1893-1993) of public health nursing, we hereby commend the many public health nurses throughout the State of Alabama, and do further direct that a copy of this resolution of honor and esteem be forwarded to the Public Health Nursing Centennial Committee, Alabama Department of Public Health.

On motion of Senator Figures, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Campbell offered the following Senate Joint Resolution, to-wit:

SJR 27. COMMENDING ELAINE COX ABSTON OF DECATUR, ALABAMA.

WHEREAS, it is with great pleasure that the Legislature of Alabama notes the selection of Elaine Cox Abston of Decatur, Alabama as Mrs. Alabama 1992, and as third runner-up in the Mrs. America pageant; and

WHEREAS, a native of Birmingham and the wife of Mac Abston, Elaine Abston earned her bachelor's degree in fashion merchandising from the University of North Alabama, a master's degree in education from Valdosta College, and is pursuing a career in health care administration; and

WHEREAS, Mrs. Abston is a member of the Baptist Young Women and the Central Baptist Church Sunday School Department, and has served as a volunteer with the Valdosta State College Athletic Department and the American Cancer Society, among other community involvement; and

WHEREAS, a beautiful lady, Mrs. Abston is a positive thinker who strongly believes "you can control your own destiny"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Elaine Cox Abston of Decatur, Alabama, and direct that she receive a copy of this resolution of sincere praise and tribute.

On motion of Senator Campbell, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Wilson, Corbett, and Campbell offered the following Senate Joint Resolution, to-wit:

SJR 28. EXPRESSING LEGISLATIVE SUPPORT OF PRESIDENT CLINTON'S ECONOMIC PLAN.

WHEREAS, President Clinton proposed an economic plan for reducing the federal budget deficit before a joint session of Congress, February 17, 1993; and

WHEREAS, the President's economic strategy would encourage economic revival and create new jobs in the United States including the State of Alabama; and

WHEREAS, the implementation of the economic plan presented by President Clinton could actually begin making the deficit shrink significantly, which would be a big plus for future economic growth in America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express support for President Clinton's economic plan to revitalize the United States economy.

BE IT FURTHER RESOLVED, That we urge the Congress to act expeditiously to enact the President's economic plan and that copies of this resolution be forwarded to each member of the Alabama Congressional Delegation.

Which was read and referred to the Standing Committee on Rules.

**UNFINISHED BUSINESS
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 111. To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

and pending Bennett amendment to the Amari substitute, which said amendment and substitute were offered on the Fifth Legislative Day.

On motion of Senator deGraffenried, the Rules were suspended and further consideration of the Bill, SB 111, and pending amendment and substitute, was postponed temporarily.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 29. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the SEVENTH Legislative day only.

S. 256	Page 27
University of North Alabama, bd. of trustees, Sec. 16-51-6 am'd.	
S. 11	31
Firefighters who die from occupational disease, death benefits administered by Bd. of Adjustment, Sec. 11-43-144 am'd.	
S. 119	50
Colleges and universities, tuition paid to cert. persons attending, qualifications, procedure	
S. 113	33
Acts of Alabama, 1991 Regular and 1st Sp. Sessions, 1992 1st Sp. and Reg. Sessions, codified	
S. 118	14
Pesticides, local governments prohib. from regulating	
S. 8	18
Alabama Insurance Bd. estab., negotiate group health ins. coverage for individuals, approp.	
S. 318	29
Athletic Trainers Licensure Act, estab., penalties	
S. 91	8
State depts. and agencies, purchasing procedures further provided, Sec. 41-4-113 am'd.	
S. 141	7
Judicial Retirement System, appellate judges may purchase military service credit, limits	
S. 243	52
Colleges and universities, req. to disclose listing of academic material to be used in upcoming academic period to retailers within cert. time period	

**REGULAR SESSION
7th Day**

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S. 300	56
Domestic violence centers further provided for, Sec. 30-6-6 am'd.	
S. 3	3
Exotic animals, sale of, reg.	
S. 174	4
Agricultural Museum Board, estab.	
S. 110	10
Purple Heart recipients, commemorative license plates, fee deleted, Sec. 32-6-150 am'd.	
S. 2	4
County chief appraisers, min. salary schedule estab.	
S. 221	47
University of Alabama and Jacksonville State University police officers, powers reg., Secs. 16-47-10, 16-52-12 am'd.	
S. 222	35
Elections, ballots, candidate withdrawal, electors voting assistance, poll watchers in referendum elections, election officials and proximity to polling place, Secs. 17-6-8, 17-7-18, 17-8-2, 17-8-25, 17-8-29, 17-16-55, 21-4-22 am'd.	
S. 329	61
County comms., reg. of subdivisions to incl. mobile home parks, inspectors, fees, penalties, Sec. 11-24-1 am'd.	
S. 142	46
False name or address, giving to law enforcement officer with intent to mislead, Class A misdemeanor	
S. 12	20
Reinsurance brokers and managers, reg. by Insurance Dept.	
S. 13	21
Risk retention groups and purchasing groups, formation and regulation of, powers of Insurance Commissioner, agents and brokers reg.	
S. 14	19
Insurance industry further reg., licensure and operation, Secs. 27-2-21, 27-41-1, 27-41-2, 27-41-3, 27-44-3 am'd.	

S. 307	57
Municipal governing body membs. allowed to vote on appts. to city bd. of ed. and school appropriations	
S. 333	51
Tuition guaranty fund, reimbursement to students of cert. proprietary (for profit) postsecondary institutions which close	
S. 144	23
Motor vehicle insurance, persons 55 yrs. of age or older, premium reduction for accident prevention course	
S. 116	22
Eleemosynary institutions, investments standards	
S. 157	12
County engineer trainees, salary scale incr. if registered, with one yr. of trainee experience, Highway Dept. pays 50% of salary, Sec. 11-6-23 am'd.	
S. 231	56
State documents, clearinghouse estab. within Ala. Public Library Service, Sec. 41-6-12 repealed	
S. 171	9
Commission on Physical Fitness, renamed State Commission on Physical Fitness and Sports, employees, with exception of director, transferred to merit system, cont. to sponsor Special Olympics, Secs. 22-5-2, 22-5-4, 22-5-5, 22-5-6 am'd.	
S. 260	50
Traffic signs, possession of prohib., penalties	

On motion of Senator Hale, the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 113. RELATIVE TO MEETING DAYS.

Also:

HJR 116. CONGRATULATING MRS. SARAH BARTON CUPIT ON THE OCCASION OF HER 85TH BIRTHDAY.

Also:

HJR 117. MOURNING THE DEATH OF MRS. MAMIE BROWN OF WARD, ALABAMA.

Also:

HJR 118. COMMENDING Y. CHARLES EARLE, JR., FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Denton, B.I.R., SB 256, adopted.

Yeas 23 Nays 1

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, and Windom-23

Nay: Senator Sanders

- 1

SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which which was the Bill:

S. 256. To amend Section 16-51-6, Code of Alabama 1975, relating to the Board of Trustees of the University of North Alabama; to establish and implement personnel rules, policies, and practices for the university; and to authorize the board of trustees to merge with another institution without seeking or obtaining legislative or administrative approval.

And said Bill, SB 256, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 3

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Mitchell, Owens, Smith (J), and Windom -20

Nays:

Senators:

Figures, Little, and Sanders

- 3

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., SB 11, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), and Windom -22

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 11. Amending Section 11-43-144, Code of Alabama 1975, to provide for administration of certain death benefits for fire fighters by the State Board of Adjustment.

was taken up.

The Standing Committee on Business and Labor Relations reported the following amendment to the Bill, SB 11, to-wit:

AMENDMENT TO SB 11

Amend Senate Bill No. 11, on Page 3 by deleting Lines 26 and 27 in their entirety and inserting in lieu thereof the following:

"killed in the line of duty, and shall be considered to have been killed in the line of duty for the purposes of Title 36, Chapter 30, Sections 1 through 7, Code of Alabama 1975."

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

Senator Bedsole offered the following amendment to the Bill, SB 11, as amended, to-wit:

AMENDMENT TO SB 11, AS AMENDED

On page 1, delete lines 19 to 22, inclusive.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (J), and Waggoner -25

Nays:

- 0

And said Bill, SB 11, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Amari, B.I.R., SB 119, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Corbett, deGraffenried, Dixon, Ellis, Floyd,
Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Owens,
Parsons, Sanders, and Smith (J) -20

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 119. To authorize the state to pay the tuition of any needy, qualified student pursuing a baccalaureate degree at any state junior college, state college, or state university; to provide for the administration of the tuition assistance plan by the Alabama Commission on Higher Education; and to provide for funding the plan.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, SB 119, to-wit:

AMENDMENT TO SB 119

Amend Senate Bill 119, on Page 5, Line 22, as follows:

by striking the figure "1993"

and inserting in lieu thereof the figure:

1994

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Corbett, deGraffenried, Dixon, Ellis, Floyd,
Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Owens,
Parsons, Sanders, and Smith (J) -20

Nays:

- 0

Senator Dixon offered the following amendment to the Bill, SB 119, as amended, to-wit:

AMENDMENT TO SB 119, AS AMENDED

Amend Senate Bill No. 119, as amended, on Page 2, Line 6, as follows:

delete the number "24"

and insert in lieu thereof the number "48"

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Corbett, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Owens, Parsons, Sanders, and Smith (J) -20

Nays:

- 0

And said Bill, SB 119, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, deGraffenried, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), and Waggoner -21

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., SB 113, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bedsole, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), and Waggoner -21

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 113. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as originally

contained in the 1991 Cumulative Supplement to certain volumes of the Code and carried forward into the 1992 Cumulative Supplement, and as contained in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A, and to make corrections in certain volumes of the 1992 Cumulative Supplement, as brought from the 1991 Cumulative Supplement, and in the 1991 Replacement Volume 18; and to adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 First Special and Regular Sessions of the Legislature, as contained in the 1992 Cumulative Supplement to certain volumes of the Code and in the 1992 Replacement Volumes 9, 15, 15A, and 20 of the Code, and to make corrections in certain volumes of the 1992 Cumulative Supplement and the 1992 Replacement Volume 15.

was taken up.

Senator Lindsey offered the following substitute for the Bill, SB 113, to-wit:

SUBSTITUTE FOR SB 113

A BILL TO BE ENTITLED AN ACT

To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as originally contained in the 1991 Cumulative Supplement to certain volumes of the Code and carried forward into the 1992 Cumulative Supplement, and as contained in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A, and to make corrections in certain volumes of the 1992 Cumulative Supplement, as brought from the 1991 Cumulative Supplement, and in the 1991 Replacement Volume 18; and to adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 First Special and Regular Sessions of the Legislature, as contained in the 1992 Cumulative Supplement to certain volumes of the Code and in the 1992 Replacement Volumes 9, 15, 15A, and 20 of the Code, and to make corrections in certain volumes of the 1992 Cumulative Supplement and the 1992 Replacement Volume 15.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as originally contained in the 1991 Cumulative Supplement to Volumes 3 through 17A, 20, and 21, and carried forward into the 1992 Cumulative Supplement and as contained in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A of the Code of Alabama 1975, as edited and prepared

by The Michie Company, as the Alabama Code Publisher, which volumes of the 1991 Cumulative Supplement and the 1991 Replacement Volumes are identified and authenticated by the Great Seal of the State of Alabama placed upon the front and back of each of the volumes of the cumulative supplement and upon the first inside page and the last inside page of the replacement volumes, are adopted and incorporated into the Code of Alabama 1975. Provided, however, the following corrections are made in certain volumes of the 1992 Cumulative Supplement containing the statutes brought forward from the 1991 Cumulative Supplement, and in the 1991 Replacement Volume 18:

(1) § 6-5-336, Vol. 5, p. 142: At the end of subsection (e), substitute "(d)" for "(a)."

(2) § 8-21A-2, Vol. 6, p. 216: On the first line of subdivision (3), between "DEALER," and "LIGHT," insert "DEALER,".

(3) § 8-25-1, Vol. 6, p. 233: At the end of subdivision (5), correct paragraphs (a) and (b) to read "a." and "b.", respectively. Also, in corrected paragraph a. of subdivision (5), delete the language "subsection 4 of section 5-29-1" and insert in lieu thereof, "subdivision (4) of section 5-19-1."

(4) § 16-3-15, Vol. 13, p. 17: On line three of subdivision (2) of subsection (d), translate "this act" to "The Alabama Education Improvement Act of 1991 (Acts 1991, No. 91-323)."

(5) § 16-3-15, Vol. 13, p. 17: On line three of subdivision (3) of subsection (d), translate "this act" to "The Alabama Education Improvement Act of 1991 (Acts 1991, No. 91-323)."

(6) § 16-23-16.1, Vol. 13, p. 64: On line two of subsection (c), translate "this act" to "this section."

(7) § 16-23-16.1, Vol. 13, p. 64: On line seven of subsection (d), translate "this act" to "this section."

(8) § 16-25-10.8, Vol. 13, p. 77: On lines two and three of subsection (b), translate "section one of this act" to "subsection (a)."

(9) § 16-25-10.8, Vol. 13, p. 77: On line two from the end of subsection (b), substitute "Section 16-25-21" for "subsection (a)."

(10) § 34-2-34, 1991 Replacement Vol. 18, p. 240: At the end of the last paragraph of subdivision (3), delete "(7)". Also make appropriate correction in the note following the section.

(11) § 34-8-28, 1991 Replacement Vol. 18, p. 366: On line

three of the last paragraph of subsection (b), substitute "subsection (a)" for "section 34-8-40."

Section 2. Those general and permanent laws of the state enacted during the 1992 First Special and Regular Sessions of the Legislature, as contained in the 1992 Cumulative Supplement to Volumes 3 through 8, 10 through 14, 16 through 19A, and 21 through 22A, and the 1992 Replacement Volumes 9, 15, 15A, and 20 of the Code of Alabama 1975, as edited and prepared by The Michie Company, as the Alabama Code Publisher, which volumes of the cumulative supplement and the replacement volumes are identified and authenticated by the Great Seal of the State of Alabama placed upon the front and back of each of the volumes of the cumulative supplement and upon the first inside page and the last inside page of the replacement volumes, are adopted and incorporated into the Code of Alabama 1975. Provided, however, the following corrections are made in certain volumes of the 1992 Cumulative Supplement and in the 1992 Replacement Volume 15:

(1) § 22-30B-13, Vol. 14, p. 81: Following this section insert the following section:

"§ 22-30B-13.1.

"Any operator subject to this chapter who, after September 30, 1992, pays increased fees for disposal of waste and substances which have been generated inside of Alabama shall be entitled to a credit of \$72.00 per ton for the amount of such waste generated inside Alabama and disposed of from July 15, 1990, to April 30, 1992. Such credit created under this subsection shall be credited against any fees which are payable to the general fund of the State of Alabama and shall be granted at the rate of 1/12th of such credit per month, beginning October 1, 1993, and until such credit is exhausted. For purposes of this subsection, no certificate of overpayment must be issued by the State Comptroller.

(2) § 25-5-77, 1992 Replacement Vol. 15, p. 597: On lines 34 and 35, 36, and 38 of the subsection (a), substitute "August 1, 1992" for "May 19, 1992."

(3) § 40-12-192, Vol. 21, p. 108: In subdivision (1) of subsection (a), delete the word "excise" preceding the word "taxes."

(4) § 40-21-82, Vol. 21, p. 265: In the table in subsection (a), following the language, "Over \$40,000.00 but not," substitute "\$1,600.00" for "\$16,600.00."

Section 3. It is hereby declared that The Michie Company, as the Alabama Code Publisher, has discharged its duties and responsibilities to

edit and publish 1991 Replacement Volumes 18, 19, 19A, 22, and 22A, and 1992 Replacement Volumes 9, 15, 15A, and 20 of the Code of Alabama 1975, by combining the material in the previous bound volumes with the material contained in the cumulative supplements without making substantive changes, but making nonsubstantive changes and corrections as may have resulted from changes in reference numbers, changes of names and titles of governmental departments, agencies, and officers, typographical errors, and misspellings.

Section 4. The adoption of this act shall not repeal, supersede, amend, or in any other way affect any statute enacted into law during any 1993 session of the Legislature.

Section 5. Upon passage and approval of this act, the duly authenticated volumes of the 1991 Cumulative Supplement and the 1992 Cumulative Supplement, and the duly authenticated 1991 and 1992 replacement volumes shall be transmitted to the Secretary of State, who shall file the volumes of the supplements and the replacement volumes in that office. The volumes of the supplements and the replacement volumes shall not be removed from the office of the Secretary of State, but the Secretary of State, upon request, under proper certificate and seal of that office, shall certify any part or parts thereof upon payment of the fee specified by law for similar services.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -22

Nays:

- 0

And said Bill, SB 113, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -22

Nays:

- 0

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 91-652, the report of the Permanent Joint Legislative Committee on Finances and Budgets was filed with the Secretary.

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 118. To prohibit local governments from passing ordinances regulating pesticides.

was taken up.

On motion of Senator Bedsole, the Rules were suspended and further consideration of the Bill, SB 118, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 8, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, deGraffenried, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), and Waggoner -18

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 8. To establish the Alabama Insurance Board to negotiate group health insurance coverage for all residents and their dependents of the State of Alabama who wish to acquire it and to make an appropriation.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, SB 8, to-wit:

AMENDMENT TO SB 8

Amend Senate Bill 8, on Page 3, Line 14, by adding the following, after the word "coverage"

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and said contract shall be subject to the provisions of Section 27-1-10, Code of Alabama 1975

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Smith (J), Waggoner, and Windom
-19

Nays:

- 0

The Standing Committee on Banking and Insurance then reported the following amendment No. 2 to the Bill, SB 8, as amended, to-wit:

AMENDMENT NO. 2 TO SB 8, AS AMENDED

Amend SB 8, as amended, on Page 2, Line 9, as follows:

Delete the number "11" and insert in lieu thereof the number "12"

Further amend Page 2, line 21 by the addition of the following paragraph number (7):

"(7) One member appointed by the State Health Officer."

Further amend the bill, as amended, on Page 2, Section 2, line 27 by deleting the word "three" and inserting in lieu thereof the word "four".

Further amend on Page 5, Section 6, line 2, by adding the following sentence after the period:

"The board shall not adopt any regulation which directs, restricts, limits or controls the practice of a physician licensed to practice medicine and shall not establish or prescribe any protocol, guideline, or standard for the delivery of medical care to patients."

Further amend on page 5, line 16 by deleting the language "medicines,".

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Corbett, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -23

Nays:

- 0

Senator Foshee offered the following amendment to the Bill, SB 8, as amended, to-wit:

AMENDMENT TO SB 8, AS AMENDED

Amend Senate Bill 8, as amended, on page 5, lines 3 through 10 by deleting Section 7 in its entirety and renumbering all subsequent sections accordingly.

Which was adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bedsole, deGraffenried, Denton, Dixon, Ellis, Figures, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -21

Nays:

- 0

And said Bill, SB 8, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 1

Yeas:

Senators:

Amari, Bailey, Bedsole, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, and Windom -20

Nay: Senator Ellis

- 1

BUDGET ISOLATION RESOLUTION

Senator Waggoner, B.I.R., SB 318, adopted.

Yeas 21 Nays 1

Yeas:

Senators:

Bailey, Bedsole, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, and Windom -21

Nay: Senator Sanders

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 318. To provide for the regulation and licensure of athletic trainers; to provide for an Athletic Trainers' Board; to prescribe civil procedures for appeals; and to prescribe fines and penalties for the violation of this act.

was taken up.

The Standing Committee on Public Welfare reported the following substitute for the Bill, SB 318, to-wit:

SUBSTITUTE FOR SB 318

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the regulation and licensure of athletic trainers; to provide for an Athletic Trainers' Board; to prescribe civil procedures for appeals; and to prescribe fines and penalties for the violation of this act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Alabama Athletic Trainers Licensure Act."

Section 2. The following words and phrases shall have the following meanings:

(1) **APPRENTICE ATHLETIC TRAINER.** A person who assists in the duties usually performed by an athletic trainer and who works under the direct supervision of a licensed athletic trainer.

(2) **ATHLETE.** A person who participates in a scholastic, amateur, or professional athletic activity and who may receive an injury directly related to an athletic activity.

(3) **ATHLETIC INJURY.** An injury received by a person as a result of the participation of the person in an athletic activity.

(4) **ATHLETIC TRAINER.** A person licensed by the Alabama Board of Athletic Trainers as an athletic trainer and who practices athletic training under the direction or referral, or both, of a licensed physician after meeting the requirements of this act and rules and regulations promulgated pursuant to this act.

(5) **ATHLETIC TRAINING.** Under physician direction or referral, or both, the prevention of athletic injuries; organization and administration of athletic training programs; athletic counseling and guidance and the education of athletes regarding athletics and athletic training; under physician direction and referral, athletic rehabilitation and reconditioning; under physician supervision the evaluation, recognition, and management of athletic injuries.

(6) **BOARD.** The Alabama Board of Athletic Trainers.

(7) **PHYSICIAN.** A physician licensed by the Medical Licensure Commission of Alabama.

(8) **PHYSICIAN SUPERVISION.** A licensed athletic trainer acting under the supervision of a physician if:

a. The activities are undertaken pursuant to a verbal or written order of the physician who has evaluated the injured athlete; or

b. The activity is undertaken in accordance with a written protocol signed by the physician which describes the injury or condition encountered and directs appropriate medical interventions consistent with the qualification, training, and experience of the licensed athletic trainer. The protocol shall specify those conditions and circumstances which require referral to the physician for further evaluation.

Section 3. (a) The Alabama Board of Athletic Trainers shall be composed of seven members who shall serve four-year terms. Members may not serve more than two consecutive four-year terms. The composition of the board shall be as follows:

(1) Four members appointed by the Alabama Athletic Trainers Association in accordance with subsection (b) below.

(2) Three physicians licensed to practice medicine actively engaged in the treatment of athletes and athletic injuries appointed by the Medical Association of the State of Alabama.

(b) The four athletic trainers shall be appointed by the Alabama

Athletic Trainers Association. The association shall conduct an annual meeting at which all athletic trainers holding a current license as identified under this act shall have the right to attend, nominate, and vote. The association shall regulate and prescribe the date, hour, and place of the meeting, the method of nomination, and the manner of voting. At least 30 days prior to the meeting, the association shall mail notices to each current licensee at the address shown on the current registration notifying of the exact date, hour, and place of the meeting, the purpose of the meeting, and of the right to attend and vote. To qualify as a member, a person shall be a citizen of the United States and a resident of this state for five years immediately preceding appointment.

(c) In making the initial appointments, the Alabama Athletic Trainers Association shall appoint one athletic trainer whose term will expire in 1994, one athletic trainer whose term will expire in 1995, and one athletic trainer whose term will expire in 1996, and one athletic trainer whose term will expire in 1997. The Medical Association of the State of Alabama shall appoint one physician whose term will expire in 1994, one physician whose term will expire in 1995, and one physician whose term will expire in 1996. All appointments expire on December 31 of the year specified.

(d) Each appointee to the board shall qualify by taking an oath of office within 15 days from the date of the appointment. On presentation of the oath, the Secretary of State shall issue commissions to appointees as evidence of their authority to act as members of the board. In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the appropriate association in the same manner as other appointments.

(e) The board shall elect a chair, a vice-chair, and secretary from its members for a term of one year and may appoint any committees and formulate any rules it considers necessary to carry out its duties pursuant to this act. The board shall meet at least twice each year. Additional meetings may be held on the call of the chair or at the written request of any two members of the board. The secretary shall keep a record of the proceedings of the board. The board may promulgate and adopt rules and regulations consistent with this act which are necessary for the performance of its duties. The State Board of Medical Examiners and the Alabama Board of Athletic Trainers shall jointly approve any rule, regulation, or policy that interprets, explains, or enumerates the permissible acts, functions, or services rendered by an athletic trainer or apprentice athletic trainer as those acts, functions, and services are defined in Section 1 of this act. Any rule, regulation, or policy adopted in violation of this requirement is invalid. The board shall prescribe application forms for license applications. The board shall adopt an official seal and a license certificate of suitable design.

Section 4. No person shall use the title "athletic trainer," "cer-

tified athletic trainer," or "licensed athletic trainer," or use the letters "LAT," "ATC," or "AT," or any other facsimile thereof, whether or not compensation is received or expected, unless the person is licensed as an athletic trainer in this state pursuant to this act.

Section 5. Any person seeking licensure as an athletic trainer shall meet at least one of the following requirements:

(1) Satisfactorily complete all of the National Athletic Trainers' Association (NATA) Board of Certification, Inc., qualifications and be certified as an athletic trainer in good standing by the National Athletic Trainers' Association Board of Certification, Inc.

(2) The board shall grant, without examination, licensure to any qualified trainer holding a license certificate or registration in another state if that state meets the minimum qualifications of this act. If the other state accepts licenses of this state in the same manner, the license shall be granted under reciprocity.

Section 6. An athletic trainer, functioning under the supervision of a physician, may use therapeutic exercise and other modalities for the treatment of athletic injuries for which he or she has received appropriate training or education.

Section 7. Any person actively engaged as an athletic trainer on the effective date of this act shall be issued a license certificate if the athletic trainer submits proof of three years of experience as an athletic trainer within the preceding five-year period, receives approval by the board, and pays the license certificate fee as determined by the board. For the purpose of this section, a person is actively engaged as an athletic trainer if the person is employed on a salaried basis for the duration of the institution's school year, or the length of the athletic organization's season, and was hired and performs the duties of an athletic trainer as the major responsibility of employment.

One year from the effective date of this act, application for a license certificate pursuant to this section shall not be permitted.

Section 8. Continuing education requirements are mandated, as outlined by the National Athletic Trainers' Association (NATA) Board of Certification, Inc., for license renewal, and shall be fulfilled during three-year periods running concurrently with the requirement to maintain certification through the Alabama Board of Athletic Trainers. Proof of the completion of continuing education as required by this section shall be submitted to the board within 30 days of the completion or proof that the continuing education requirements have been filed with the National Athletic Trainers' Association.

Section 9. (a) Nothing in this act shall be construed as pre-

venting or restricting any of the following persons from engaging in the profession or occupation for which they are licensed, certified, or registered in Alabama as follows:

(1) Physicians and surgeons licensed by the Medical Licensure Commission of Alabama.

(2) Dentists licensed by the State Board of Dental Examiners.

(3) Optometrists licensed by the State Board of Optometry.

(4) Nurses licensed by the Alabama Board of Nursing.

(5) Chiropractors licensed by the State Board of Chiropractic Examiners.

(6) Podiatrists licensed by the State Board of Medical Licensure.

(7) Physical therapists licensed by the State Board of Physical Therapy.

(8) Occupational therapists licensed by the State Board of Occupational Therapy.

(9) Emergency medical technicians licensed by the State Department of Public Health.

(b) This act shall not apply to the following persons:

(1) Coaches and physical education instructors in the performance of their duties.

(2) Apprentice athletic trainers who confine themselves to the duties prescribed in this act.

(3) Athletic trainers from other nations, states, or territories performing their duties for their respective teams or organizations and only during the course of their team's or organization's stay in this state.

(4) A person who performs any of the services set forth in this act as long as the person does not violate this act.

Section 10. The board may refuse to issue a license certificate to any person and, after notice and hearing pursuant to its regulations and rules, shall suspend or revoke the license certificate of any person who has done any of the following:

(1) Practiced athletic training other than under the direction or referral, or both, of a physician licensed to practice medicine or surgery.

- (2) Used drugs or intoxicating liquors to an extent which affects professional competency.
- (3) Been convicted of a felony or of a crime involving moral turpitude.
- (4) Obtained or attempted to obtain a license by fraud or deception.
- (5) Been grossly negligent in the practice of athletic training.
- (6) Been adjudged mentally incompetent by a court of competent jurisdiction.
- (7) Been guilty of conduct unbecoming a person licensed as an athletic trainer or of conduct detrimental to the best interest of the public.
- (8) Been convicted of violating any state or federal narcotic law.
- (9) Treated or undertaken to treat human ailments otherwise than by athletic training and according to standards established by the board.
- (10) Advertised unethically according to standards as set by the board.
- (11) Failed or refused to obey any lawful order or regulation of the board.

Section 11. (a) Any person whose application for a license is denied is entitled to a hearing before the board if the person submits a written request to the board. Proceedings for revocation or suspension of a license shall be commenced by filing charges with the board in writing and under oath. The charges may be made by any person or persons. The secretary shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for hearing to be served on the applicant requesting the hearing or the licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant. At the hearing, the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, to have subpoenas issued by the board, and to cross-examine the opposing or adverse witnesses. The board is not bound by the strict rules of procedure or by the laws of evidence in the conduct of the proceedings, but the determination shall be founded upon sufficient legal evidence to

sustain it. The board shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law, and the action taken. On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final; and the application shall be made in the manner and form as the board may require.

(b) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the board may take an appeal, within 30 days after the order is entered in the judicial circuit of his or her residence or in the Montgomery County Circuit Court, to any court of competent jurisdiction.

(c) Appeal from the judgment of the court lies as in other civil cases.

Section 12. Any person who violates any provision of this act is guilty of a Class B misdemeanor, and, upon conviction, shall be punished and fined, or both, as provided by law.

Section 13. Any person who holds a license pursuant to this act as an athletic trainer may use the words "athletic trainer" or "licensed athletic trainer," and may use the letters "LAT" in connection with his or her name to denote his or her licensure as an athletic trainer.

Section 14. Nothing in this act shall authorize an athletic trainer or apprentice athletic trainer to engage in the practice of medicine; to diagnose, treat, or cure any human disease, illness, ailment, infirmity, pain, or other condition which is not an athletic injury; to perform surgery of any type or description; or to prescribe any drug or medical device.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Waggoner, and Windom -22

Nay: Senator Sanders

- 1

Senator deGraffenried offered the following amendment to the Bill, SB 318, as amended by the substitute, to-wit:

AMENDMENT TO SB 318, AS AMENDED

Amend SB 318, as amended, on Page 3, Section 2, line 6, before the word "injury" by inserting the word athletic

Further amend SB 318, as amended, on Page 3, Section 2, line 6, after the word "injury" by striking the words or condition

Which was adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Bedsole, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Waggoner, and Windom -22

Nay: Senator Sanders

- 1

And said Bill, SB 318, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 2

Yeas:

Senators:

Bailey, Bedsole, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Waggoner, and Windom -20

Nays:

Senators:

Corbett and Sanders

- 2

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., SB 118, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Campbell, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, and Windom -20

Nays:

- 0

FURTHER CONSIDERATION OF SB 118

The Senate proceeded to further consideration of the Bill, SB 118.

And said Bill, SB 118, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Campbell, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Langford, B.I.R., SB 91, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Campbell, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, and Windom -20

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 91. To amend Section 41-4-113 of the Code of Alabama 1975, relating to procedures for purchase of materials and supplies by state departments.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Campbell, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., SB 141, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bedsole, Campbell, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee,
Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons,
Sanders, and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 141. To allow certain appellate judges to purchase credit for active military service up to four years of creditable service in the Judicial Retirement System.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Campbell, Corbett, deGraffenried, Ellis, Floyd, Foshee,
Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Owens, Sanders,
Smith (J), and Windom -19

Nay: Senator Dixon

- 1

BUDGET ISOLATION RESOLUTION

Senator Little, B.I.R., SB 243, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bedsole, Campbell, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee,
Hale, Lindsey, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner,
and Windom -17

Nay: Senator Parsons

- 1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 243. Requiring two- and four-year state institutions of higher

education and state vocational and technical colleges to provide information to certain retailers regarding academic materials that will be used in courses offered by the institution or college in the upcoming academic period; and providing that certain amounts of state funding will be denied to any institution or college violating this requirement.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 17 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Corbett, deGraffenried, Denton, Ellis, Floyd, Foshee, Hale, Horn, Lindsey, Little, Mitchell, Owens, Sanders, Waggoner, and Windom -17

Nay: Senator Langford - 1

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., SB 300, adopted.

Yeas 16 Nays 2

Yeas:

Senators:

Bailey, Bedsole, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Owens, Sanders, Waggoner, and Windom -16

Nays:

Senators:

Corbett and Parsons - 2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 300. Relating to funding domestic violence centers; to amend Section 30-6-6 of the Code of Alabama 1975, to remove the requirement that one-half of the funding for facilities must be from local sources.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Hale, Hill, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), and Windom -18

Nays: - 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills and finds same correctly engrossed, to-wit:

S. 11. Amending Section 11-43-144, Code of Alabama 1975, to provide for administration of certain death benefits for fire fighters by the State Board of Adjustment.

Also:

S. 113. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as originally contained in the 1991 Cumulative Supplement to certain volumes of the Code and carried forward into the 1992 Cumulative Supplement, and as contained in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A, and to make corrections in certain volumes of the 1992 Cumulative Supplement, as brought from the 1991 Cumulative Supplement, and in the 1991 Replacement Volume 18; and to adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 First Special and Regular Sessions of the Legislature, as contained in the 1992 Cumulative Supplement to certain volumes of the Code and in the 1992 Replacement Volumes 9, 15, 15A, and 20 of the Code, and to make corrections in certain volumes of the 1992 Cumulative Supplement and the 1992 Replacement Volume 15.

Also:

S. 119. To authorize the state to pay the tuition of any needy, qualified student pursuing a baccalaureate degree at any state junior college, state college, or state university; to provide for the administration of the tuition assistance plan by the Alabama Commission on Higher Education; and to provide for funding the plan.

Also:

S. 8. To establish the Alabama Insurance Board to negotiate group health insurance coverage for all residents and their dependents of the State of Alabama who wish to acquire it and to make an appropriation.

Also:

S. 318. To provide for the regulation and licensure of athletic

trainers; to provide for an Athletic Trainers' Board; to prescribe civil procedures for appeals; and to prescribe fines and penalties for the violation of this act.

DON HALE,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 24. MOURNING THE DEATH OF J. M. MERRILL OF COVINGTON COUNTY.

Also:

SJR 26. RECOGNIZING ALABAMA'S PUBLIC HEALTH NURSES AND THEIR PROFESSIONAL CONTRIBUTIONS.

Also:

SJR 27. COMMENDING ELAINE COX ABSTON OF DECATUR, ALABAMA.

GREG PAPPAS,
Clerk.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill delivered to the Governor with the date and hour of delivery, to-wit:

SB 140

Delivered to the Governor, February 18, 1993, at 1:40 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 3:45 P.M., on motion of Senator Parsons, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, February 23, 1993, at 1 o'clock P.M.

EIGHTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 23, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Jack Floyd, Tenth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Lindsey Agricola, Baldwin Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Amari, Figures, and Lipscomb for today.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, February 25, 1993, at 10 o'clock A.M., which motion was adopted.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Bennett and Bolling:

S. 439. Authorizing county commissions to provide local salary supplements and increases in the supplements for members of county boards of registrars.

Committee on Governmental
Affairs/Local Government

By Senators Windom, Floyd, and Hale:

S. 440. To propose a constitutional amendment to amend Sections 6.17 and 6.18 of Amendment 328 of the Constitution of Alabama of 1901, establishing the Judicial Inquiry Commission and the Court of the Judiciary, to provide that the District Judges' Association shall appoint two district judges to serve as members of the Judicial Inquiry Commission and Court of the Judiciary.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Barron (With Notice and Proof):

S. 441. Relating to the DeKalb County Commission and powers

to levy and collect certain privilege license taxes, gasoline taxes, sales and use taxes, and other taxes, validating, ratifying, and confirming any actions heretofore taken pursuant to Act No. 91-610, H. 961 of the 1991 Regular Session (Acts 1991, p. 1178), and repealing prospectively that act which authorized the taxing powers listed.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 441, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Denton:

S. 442. Providing for the permitting and regulation of persons, firms, associations, and corporations engaged in the alarm systems business in this state under the regulatory authority of the state fire marshal; authorizing the state fire marshal to prescribe fees for certain permits and identification cards related to the business; prescribing penalties for enforcement and providing procedures for the administration of this act.

Committee on Governmental
Affairs/State Administration

By Senators Hale, Denton, and Lipscomb:

S. 443. To require each vessel owner, with certain exceptions, to obtain a certificate of title for vessels which are not documented by the United States Coast Guard; to provide for the procedures of titling of vessels by the Department of Conservation and Natural Resources, the transfer of titles, dealers' records and duties, levy of execution, procedures for antitheft, and departmental rule making authority; to provide for enforcement by the Division of Marine Police of the department; to provide misdemeanor and felony penalties for certain crimes and offenses relative to boat titling; and to amend Sections 33-5-11, 33-5-15, and 33-5-17 of the Code of Alabama 1975, to require a boat title before the boat can be registered under certain conditions and to increase boat registration fees.

Select Committee on
Fiscal Responsibility

By Senator Smith (J):

S. 444. To amend section 31-5-3 of the Code of Alabama 1975,

to add a representative of the Military Order of the Purple Heart to the State Board of Veterans' Affairs.

Committee on Governmental
Affairs/State Administration

By Senator Smith (J):

S. 445. To amend Section 40-23-5, Code of Alabama 1975, to exempt rescue units from state, county, and municipal sales and use taxes.

Committee on Governmental
Affairs/State Administration

By Senators Mitchell and Campbell:

S. 446. To provide for a civil cause of action against certain employers who take action detrimental to certain defined employees because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and injunctive relief; and to provide a statute of limitation.

Committee on Judiciary/Civil

By Senator Campbell:

S. 447. To create the Alabama Indian Housing Authority; and to provide for its purpose and powers.

Committee on Finance
and Taxation

By Senator Campbell:

S. 448. To create a Department of Mental Retardation and Developmental Disabilities, and provide for its composition, powers, duties, and responsibilities; and to transfer certain properties, assets, functions, activities, and resources of the existing Department of Mental Health and Mental Retardation to the department created by this act.

Committee on Public Welfare

By Senator Wilson:

S. 449. To provide for the purchase of credit under the Employees' Retirement System of Alabama by active and contributing members of the system for employment as a circuit clerk or register, to

further provide a method of payment where the member pays the total cost of the credit, and to provide for termination.

Committee on Finance
and Taxation

By Senator Wilson:

S. 450. To provide that a spouse would be jointly and severally liable for the medical debts of their spouse when the medical care is provided by a hospital licensed by the state.

Committee on Health

By Senator Waggoner (With Notice and Proof):

S. 451. Relating to Jefferson County; levying an additional 3% lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau, the Birmingham-Jefferson Civic Center Authority, and the City of Bessemer Civic Center, for the promotion of Birmingham and Jefferson County as a convention, sports event and visitors' destination; providing that the Director of Revenue shall collect such tax.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 451, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Butler and McMillan:

H. 87. To make a supplemental appropriation from the State General Fund to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993, and to specify the purposes for which the funds may be used.

Also:

By Reps. Butler, McMillan, and Freeman:

H. 300. To further provide for the disposition of the additional

annual fees collected by the Department of Revenue from the Atomic Veterans' NUKED Commemorative Tag Program and the Veteran Commemorative Tag Program; for this purpose to amend Sections 32-6-150 and 32-6-156.1 of the Code of Alabama 1975, by Act No. 92-622, H. 470 of the 1992 Regular Session.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 87 and 300 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Butler, McMillan, and Freeman:

H. 301. To amend Section 38-4-12 and Section 40-8-3, Code of Alabama 1975, to appropriate the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors to veterans home programs.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 301 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Payne:

H. 123. To require the county commission of each county to allow certain local veterans' organizations to use the county courthouse or other county building to conduct regular or special business meetings.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 123 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Butler and McMillan:

H. 88. Relating to veterans' nursing homes and veterans' homes, amending Sections 22-21-260 and 22-21-277, Code of Alabama 1975, to include certain veterans' nursing homes and veterans' homes within the definition of a health care facility requiring a certificate of need.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 88 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley:

H. 65. To authorize the Attorney General to represent the state, counties, and municipalities in a class action lawsuit against the United States of America, its agents, or assigns for the faulty design, construction, or maintenance of any levee that broke and caused flooding in 1990.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 65 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McMillan and Penry:

HJR 107. COMMENDING H. E. "BUDDY" SMITH FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 107, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McKee, Hooper, Mikell, Knight (J), Holmes, and Walker:

HJR 121. COMMENDING MONTGOMERY'S ROBERT E.

LEE HIGH SCHOOL ON THE 1992 STATE CLASS 6A FOOTBALL
CHAMPIONSHIP.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 121, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Board of Examiners of Landscape Architects.

Respectfully submitted,
G. DENNIS NABORS,
Chief of Staff.

Done this 16th day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. John H. Bowen of Mobile, Alabama to the Board of Examiners of Landscape Architects. Mr. Bowen will be filling the expired term of Mr. Frederick Rux and his term will expire on January 3, 1996.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 16th day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, rela-

tive to an appointment to the Board of Examiners of Landscape Architects, was read and referred to the Standing Committee on Confirmations.

RECESS

At 1:25 P.M., on motion of Senator deGraffenried, the Senate took a recess subject to the call of the Chair, to hear the message from The Honorable Tom Bevill, Fourth Congressional District.

JOINT SESSION

At 1:30 P.M., in accordance with HJR 33, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of The Honorable Tom Bevill.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Congressman Bevill was escorted to the Chair and delivered his message to the Legislature of Alabama.

At 2:20 P.M., the recess period having expired, the Senate was called to order by President Pro Tempore deGraffenried. A quorum of the Senate was present.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Board of Appeals for the Department of Industrial Relations.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 16th day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Kenneth

Tucker from Tuscaloosa, Alabama to the Board of Appeals for the Department of Industrial Relations. He will be representing employers and his term will expire on March 28, 1999.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 16th day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Board of Appeals for the Department of Industrial Relations, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

HJR 83. COMMENDING SENATOR HOWELL HEFLIN FOR HIS EFFORTS TO REDUCE THE FEDERAL DEFICIT.

Also:

By Reps. Rockhold and Harper:

HJR 84. COMMENDING WILLIAM H. DUNN, COMMANDING OFFICER, NAVAL STATION MOBILE.

Also:

By Reps. Rockhold and Harper:

HJR 85. CONGRATULATING MR. AND MRS. CLAUDE BRANUM ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolutions, HJR's 83, 84, and 85 set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turner, Biddle, McMillan, Blakeney, Richardson, Mikell, Gaines, Poole, Warren, Harper, and White:

HJR 11. RESOLUTION TO SUPPORT THE REQUEST OF U.S. SENATORS SAM NUNN, HOWELL HEFLIN, AND RICHARD SHELBY TO PRESIDENT CLINTON TO KEEP INTACT THE BAN ON HOMOSEXUALS SERVING IN THE U.S. ARMED FORCES.

WHEREAS, U.S. Senator Sam Nunn, D-Georgia, Chairman of the Senate Armed Services Committee, has called on President Bill Clinton not to lift the ban on homosexuals serving in the armed forces of the United States; and

WHEREAS, U.S. Senators Howell Heflin and Richard Shelby of Alabama have voiced their support of Senator Nunn's position; and

WHEREAS, the ban on homosexuals serving in the U.S. armed forces has been in place for the past 50 years and removing the ban could be disastrous to unit morale and cohesion in the armed forces of the United States; and

WHEREAS, the overwhelming majority of Alabamians support the continuation of the gay ban; and

WHEREAS, allowing acknowledged homosexuals to serve in the military could adversely impact federal funding of V.A. hospitals because of a likely increase in servicemen contracting the AIDS virus;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That strong support be given to the efforts of Senators Nunn, Heflin, and Shelby to have continued in effect the ban against homosexuals serving in the armed forces of the United States.

BE IT FURTHER RESOLVED That a copy of this resolution be

presented to President Bill Clinton, Senators Nunn, Heflin, and Shelby and other members of Alabama's congressional delegation.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 11, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Curry:

HJR 115. REQUIRING THAT THE STATE FINANCE DEPARTMENT COMPLY WITH THE AMERICANS WITH DISABILITIES ACT TO PROVIDE EASY ACCESS TO THE STATE HOUSE FOR THE PHYSICALLY HANDICAPPED.

WHEREAS, the Finance Department is responsible for making the State House accessible for the physically handicapped; and

WHEREAS, many physically handicapped visitors come to the State House annually and the several state employees who are physically handicapped are denied easy access to the State House and its several rooms and lavatories; and

WHEREAS, the actual work left to complete the process of accessibility for the handicapped has been delayed even after requests have been made for that completion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the House and Senate require that all work be completed to make the State House easily accessible to the physically handicapped, as provided for in the Americans With Disabilities Act, by April 30, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 115, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Haynes:

HJR 96. SPECIFYING THE LEGISLATIVE INTENT OF ACT 91-617.

WHEREAS, the Alabama Legislature passed H. 324 which later became Act 91-617 on July 30, 1991; and

WHEREAS, the act specifically states that any member of the Teachers' or Employees' Retirement System of Alabama may, at the member's option, in lieu of receiving payment for 50 percent of his or her accrued and unused sick leave at the time of retirement, convert up to 180 accrued sick leave days to creditable service in the Employees' Retirement System; and

WHEREAS, the additional 30 days credit beyond the 150 allowed by the State Personnel Department may only be claimed toward retirement credit and not used as the accrued sick leave to calculate the option of receiving payment for 50 percent at the time of retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with the enactment of Act 91-617, the Legislature intended that any member of the Teachers' or Employees' Retirement System may exercise the option to use up to 180 days of accrued sick leave toward creditable service in the retirement system in lieu of receiving pay for 50 percent of up to 150 accrued days allowed by the State Personnel Department.

BE IT FURTHER RESOLVED, That the State Personnel Department amend its rules to conform with Act 91-617 and permit any employee to exercise his or her option on the leave as provided in the act.

RESOLVED FURTHER, That a copy of this resolution be sent to the Retirement Systems of Alabama and to the Director of Personnel of the State of Alabama.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 96, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. White, Drake, Clark (J), Warren, Ford, Morrow, Burke, Higginbotham, Flowers, Hammett, Holley, Fuller, Beasley, Mathis, Carothers, Haynes, Campbell, Turnham, Hall, Cullins, and Smith (C):

HJR 120. REQUESTING THE RETENTION OF GOVERNOR LURLEEN B. WALLACE'S PORTRAIT IN THE STATE CAPITOL ROTUNDA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Rules were suspended and the Resolution, HJR 120, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Senator Dial, Chairperson of the Standing Committee on Industrial Development and Expansion, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Dixon:

S. 363. To amend Section 34-8-2, Code of Alabama 1975, relating to application for licenses, fees, classifications of contractors, examination of applicants generally, certification of authority, renewal of licenses, limited licenses for particular projects, to delete the prior statutory maximum bid limits for contractors and to delegate to the State Licensing Board for General Contractors the authority to promulgate certain regulations relating to maximum bid limits and the corresponding ranges of net worth covered by each maximum bid limit; to amend Section 34-8-4, Code of Alabama 1975, relating to the revocation of

licenses for certain offenses, charges, hearings, reissuance of revoked licenses, and lost licenses, to grant authority to the board to promulgate certain regulations providing for penalties for violations in lieu of revocation of a contractor's license; to amend Section 34-8-6, Code of Alabama 1975, relating to prohibited acts and penalties relating to persons prohibited from accepting bids from unlicensed contractors; and to prohibit the announcements of certain bids received from unlicensed contractors.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Floyd:

S. 103. Relating to Etowah County; proposing a constitutional amendment to the Constitution of Alabama of 1901, authorizing the Etowah County Commission to levy an additional surcharge in cases in which the circuit courts, district courts, or municipal courts of Etowah County impose a fine for any offense or violation of a criminal law, a traffic law, or any ordinance of a political subdivision of Etowah County; and providing for the distribution of the revenues derived from the additional surcharge.

The above Bill was read a second time at length as required by the Constitution.

By Senator Floyd:

S. 104. Relating to Etowah County; proposing an amendment to the Constitution of Alabama of 1901, to authorize the Etowah County Commission to levy additional costs and fees on certain civil and criminal cases in the county and to provide for the distribution of the funds collected.

The above Bill was read a second time at length as required by the Constitution.

By Senator deGraffenried:

S. 357. To amend Sections 11-44B-6 to 11-44B-8, inclusive, Code of Alabama 1975, and to add Section 11-44B-8.1 to the Code of Alabama 1975, to provide further for the operating procedures of mayor-council form of government adopted by Class 4 municipalities.

Senator Windom, Chairperson of the Standing Committee on

Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

S. 419. Relating to the George Wallace, Jr., Plan for Linked Deposits; to amend Sections 5-21-2, 5-21-3, 5-21-4, and 5-21-9, Code of Alabama 1975, to expand the plan to include linked deposits to support loans made to qualifying applicants to state sponsored housing assistance programs and to increase the amount of funds available under the plan.

By Senator Windom:

S. 420. To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, to permit municipal and county funds to be invested in certain common trust funds, collective investment funds, open-end or closed-end management type investment companies, and investment trusts whose portfolios consist solely of certain specified investments and in repurchase agreements respecting the investments.

By Senator Windom:

S. 427. To authorize the State of Alabama and its agencies, boards, commissions, and departments, and counties, municipalities, county boards of education, city boards of education, and various other political subdivisions, instrumentalities, and public corporations to enter into leases, lease-purchase contracts, installment-purchase contracts, and similar agreements and arrangements; to delineate certain mandatory and optional provisions of the leases, contracts, agreements, and arrangements; to provide the conditions under which the lease contracts, agreements, and arrangements shall be deemed not to create a debt of the lessee or purchaser; to declare certain obligations of the governmental entity and certain rights and remedies of the lessor, grantor, or other comparable party under the leases, contracts, agreements, and arrangements in the event of expiration, cancellation, or termination of the leases, contracts, agreements, or arrangements, including the obligation of the governmental entity to return the subject property; to authorize governmental entities to specify that the leases, contracts, agreements, or arrangements are general obligations of the governmental entity or are limited obligations of the governmental entity payable from a specified source and to secure the leases, contracts, agreements, and arrangements with pledges by governmental entities of taxes levied by the governmental entity, payments in-lieu-of-taxes paid or payable to the governmental entity, taxes apportioned and paid to the

governmental entity, income from the investment of moneys lawfully held by the governmental entity, and revenues from revenue-producing properties in order to secure the leases, contracts, agreements, or arrangements; to declare that the leases, contracts, agreements, and arrangements constitute the exercise by the governmental entities of their borrowing power and constitute evidences of indebtedness under Section 8-8-7, Code of Alabama 1975, establishing exemptions from usury and similar laws for the bonds, notes, warrants, other evidences of indebtedness, or securities of specified governmental entities; to provide that the leases, contracts, agreements, and arrangements are legal and authorized investments for banks, municipal loan associations, insurance companies, fiduciaries, and trustees; to provide that the act is declaratory of existing law; and to repeal Section 11-80-8, Code of Alabama 1975.

By Senator Foshee:

S. 332. To amend Sections 27-40-1, 27-40-8, 27-40-12, 27-40-15 and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorization for designated agents; to require premium finance agreements to contain certain information; to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract; to provide for time limits for the return of unearned premiums; and to provide where the amount of premium financed shall be sent.

By Senator Dial:

S. 159. To amend Section 27-19-57, Code of Alabama 1975, relating to the notice of right to return a Medicare supplement insurance policy, to change the number of days that certain applicants have to return a policy.

Senator Langford, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Little, Corbett, Bailey, Dial, and Mitchell:

S. 372. To amend Section 41-9-311, Code of Alabama 1975, relating to the Historic Chattahoochee Historic Compact to provide further for the election and voting of the members of the Historic Chattahoochee Commission.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted

on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Floyd:

S. 101. Proposing an amendment to Section 46 of the Constitution of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

The above Bill was read a second time at length as required by the Constitution.

By Senators Dixon, Waggoner, Lipscomb, Ellis, Hill, Bedsole, Bailey, Floyd, Owens, Hale, Bolling, Amari, and Windom:

S. 133. Proposing an amendment to Section 46 of the Constitution of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

The above Bill was read a second time at length as required by the Constitution.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 30. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Eighth Legislative day only.

	Page
S. 3	3
Exotic animals, sale of, reg.	
S. 174	13
Agricultural Museum Board, estab.	
S. 110	9
Purple Heart recipients, commemorative license plates, fee deleted, Sec. 32-6-150 am'd.	

S. 307	51
Municipal governing body membs. allowed to vote on appts. to city bd. of ed. and school appropriations	
S. 2	4
County chief appraisers, min. salary schedule estab.	
S. 221	43
University of Alabama and Jacksonville State University police officers, powers reg., Secs. 16-47-10, 16-52-12 am'd.	
S. 222	30
Elections, ballots, candidate withdrawal, electors voting assistance, poll watchers in referendum elections, election officials and proximity to polling place, Secs. 17-6-8, 17-7-18, 17-8-2, 17-8-25, 17-8-29, 17-16-55, 21-4-22 am'd.	
S. 329	55
County comms., reg. of subdivisions to incl. mobile home parks, inspectors, fees, penalties, Sec. 11-24-1 am'd.	
S. 142	42
False name or address, giving to law enforcement officer with intent to mislead, Class A misdemeanor	
S. 12	18
Reinsurance brokers and managers, reg. by Insurance Dept.	
S. 13	18
Risk retention groups and purchasing groups, formation and regulation of, powers of Insurance Commissioner, agents and brokers reg.	
S. 14	17
Insurance industry further reg., licensure and operation, Secs. 27-2-21, 27-41-1, 27-41-2, 27-41-3, 27-44-3 am'd.	
S. 278	59
Electronic voting system, implementation of pilot project by Sec. of St., reimbursement of cos. for lease-purchase of systems from election printing expense savings	
S. 333	46
Tuition guaranty fund, reimbursement to students of cert. proprietary (for profit) postsecondary institutions which close	
S. 144	21
Motor vehicle insurance, persons 55 yrs. of age or older, premium reduction for accident prevention course	

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S. 116	20
Eleemosynary institutions, investments standards	
S. 157	11
County engineer trainees, salary scale incr. if registered, with one yr. of trainee experience, Highway Dept. pays 50% of salary, Sec. 11-6-23 am'd.	
S. 231	50
State documents, clearinghouse estab. within Ala. Public Library Service, Sec. 41-6-12 repealed	
S. 171	7
Commission on Physical Fitness, renamed State Commission on Physical Fitness and Sports, employees, with exception of director, transferred to merit system, cont. to sponsor Special Olympics, Secs. 22-5-2, 22-5-4, 22-5-5, 22-5-6 am'd.	
S. 260	45
Traffic signs, possession of prohib., penalties	
S. 303	26
Court of Civil Appeals, two add'l. judgeships created, jurisdiction further provided, Secs. 12-3-1, 12-3-10 am'd.	
S. 304	26
Supreme Court, auth. to transfer to the Ct. of Civil Appeals, cert. cases appealed to it, Sec. 12-2-7 am'd.	
S. 205	79
Recycled products, income tax credit for corps. manufacturing	

On motion of Senator Hale, the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 24. MOURNING THE DEATH OF J. M. MERRILL OF COVINGTON COUNTY.

Also:

SJR 26. RECOGNIZING ALABAMA'S PUBLIC HEALTH NURSES AND THEIR PROFESSIONAL CONTRIBUTIONS.

Also:

SJR 27. COMMENDING ELAINE COX ABSTON OF DECATUR, ALABAMA.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Senators Windom, Hale, Ghee, and Foshee requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 31. SUPPORTING SENATORS HEFLIN AND SHELBY IN THEIR EFFORT TO REDUCE THE REGULATORY BURDEN ON BANKS.

WHEREAS, 212 Alabama banks representing more than \$42 billion in assets have remained among the safest and soundest in the nation in a turbulent economic environment while maintaining strong customer and community relationships; and

WHEREAS, this ranking is a positive reflection on the State of Alabama and the environment it has created for the banking industry; and

WHEREAS, Alabama banks employ more than 23,000 individuals--significantly contributing to alleviating the dilemma of unemployment in the state; and

WHEREAS, astounding compliance costs, more than \$168 million in Alabama in 1991, drain scarce banking resources that could be utilized for the "real" business of banking--providing loans to rejuvenate Alabama's economy; and

WHEREAS, Alabama banks stand firmly behind those regulations aimed at maintaining the safety and soundness of a bank; however, the cost to comply can be drastically reduced without affecting the validity of these basic laws; and

WHEREAS, the Honorable Richard Shelby has introduced a regulatory reform package in the United States Congress--S. 265 The Economic Growth and Regulatory Paperwork Reduction Act of 1993--which would relieve many of the areas of burden in the banking industry; and

WHEREAS, the Honorable Howell Heflin has joined Senator Shelby in his effort to reduce the burden through his co-sponsorship of S. 265, further strengthening Alabama's support of this cause; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we support Senators Shelby and Heflin, the Alabama Bankers Association, and the directors, officers and employees of Alabama banks, in this effort to reduce the unnecessary paperwork and excessive compliance costs while still maintaining the security of the banking industry.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Campbell, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 32. CONGRATULATING AND RECOGNIZING ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

WHEREAS, junior college athletics started in Alabama in 1891; and

WHEREAS, the Alabama Junior College Athletic Hall of Fame was established in 1989 to recognize outstanding contributions to athletics in Alabama; and

WHEREAS, the Class of 1993 has been duly elected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate and recognize the Class of 1993.

BE IT FURTHER RESOLVED, That each of the following inductees shall receive a copy of this resolution: Jimmy Archibald, Calhoun State Community College; Jimmy Doerr, Jefferson State Community College; James Hobbs, Calhoun State Community College; Doug Key, Chattahoochee Valley State Community College; Dr. Bal Moore, Jefferson State Community College; and Costroe F. Palmer, Sr., Bishop State Community College.

On motion of Senator Campbell, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 3, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Hill, Langford, Little, Mitchell, Owens, Parsons, and Windom

-18

Nays:

- 0

SPECIAL ORDER BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 3. To regulate the possession and other matters related to certain exotic animals; to prescribe the powers and duties of certain state agencies, officials, and other persons; to provide standards for the care of exotic animals; and to prescribe penalties for violations and provide remedies.

was taken up.

Senator Corbett offered the following amendment to the Bill, SB 3, to-wit:

AMENDMENT TO SB 3

Amend Senate Bill No. 3 Page 2 Line 5, as follows:

After the word of, delete the words "Agriculture and Industries"
and insert in lieu thereof the words "Conservation and Natural
Resources"

also on Line 19,

after the word "zoo" add ", shelter"

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis,
Foshee, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Owens,
Parsons, and Windom -19

Nays:

- 0

Senator Corbett then offered the following amendment No. 2 to the
Bill, SB 3, as amended, to-wit:

AMENDMENT NO. 2 TO SB 3, AS AMENDED

Amend Senate Bill 3, as amended, on page 4 by deleting lines 24
and 25 in their entirety and inserting in lieu thereof the following: "act."

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton,
Dixon, Ellis, Ghee, Hale, Hill, Langford, Little, Mitchell, Mitchem,
Owens, Parsons, and Windom -19

Nays:

- 0

And said Bill, SB 3, as thus amended, was read a third time at
length and passed, and ordered sent forthwith to the House upon en-
grossment.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis,
Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Little, Mitchell,
Mitchem, Owens, and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B.I.R., SB 174, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bennett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd,
Foshee, Ghee, Hale, Hill, Horn, Langford, Little, Mitchell, Owens,
Parsons, and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 174. To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

was taken up.

Senator Bailey offered the following substitute for the Bill, SB 174, to-wit:

SUBSTITUTE FOR SB 174**A BILL
TO BE ENTITLED
AN ACT**

To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is created and established a public agency of the state to be known as the Alabama Agricultural Museum Board. In accordance with Act No. 92-541, H.J.R. 317 of the 1992 Regular Session (Acts 1992, p. 1149), this board and museum shall be permanently located at Landmark Park in Dothan, Alabama, where it shall maintain buildings, exhibits, and equipment, considered suitable and appropriate for conducting its affairs.

Section 2. It shall be the function and main purpose of the board to recognize the important contribution of agriculture to our state and to act in an advisory capacity to Dothan Landmarks Foundation which shall preserve, exhibit, display, and interpret artifacts and other materials associated with our agricultural heritage at Landmark Park.

Section 3. (a) The board shall be composed of 27 members; one member shall be appointed by Auburn University, one shall be appointed by the Alabama Department of Archives and History, one member shall be appointed by the Alabama Department of Agriculture; and the remainder shall be appointed by Dothan Landmarks Foundation.

(b) Terms of members serving on the initial board shall be: 9 shall serve a one-year term, 9 shall serve a two-year term, and 9 shall serve a three-year term, determined by lot. Thereafter, all shall serve a three-year term.

Section 4. The board shall meet annually and as prescribed in its rules and by-laws. The members of the board shall not be compensated for their services. The board shall fill vacancies as they occur in the manner prescribed in this act. A board member shall serve until his or her successor is appointed.

Section 5. Dothan Landmarks Foundation may hire personnel necessary or as advisable to carry out the purposes and provisions of this act. Personnel shall not be subject to the provisions of the State Merit System Act, however, Dothan Landmarks Foundation may at its discretion offer to its employees benefits offered to employees of the State of Alabama.

Section 6. The board shall constitute a public body corporate and shall have, in addition to those set forth specifically in this act, all powers necessary or convenient to effect the purposes for which it has been established under and by the terms of this act, together with all powers incidental thereto or necessary to the discharge of its powers and duties.

Section 7. The Dothan Landmarks Foundation may solicit and accept public or private donations, grants, contributions, property, or services, and all gifts made to the foundation shall be exempt from all taxation in Alabama.

Section 8. The Dothan Landmarks Foundation may sell, convey, transfer, lease, or donate any property, franchise, grant, easement, license, or lease or interest therein which it may own and to transfer, assign, sell, convey, or donate any right, title, or interest which it may have in any lease, contract, agreement, license, or property.

Section 9. The Dothan Landmarks Foundation may receive and expend all legislative appropriations and funds donated or contributed for its use.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton,
Dixon, Ellis, Foshee, Ghee, Hale, Hill, Horn, Langford, Little,
Mitchell, Owens, Sanders, and Windom -20

Nays:

- 0

And said Bill, SB 174, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton,
Dixon, Ellis, Foshee, Ghee, Hale, Hill, Horn, Langford, Little,
Mitchell, Owens, Sanders, and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B.I.R., SB 110, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Ellis,
Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens,
Sanders, Smith (J), and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 110. To amend Section 32-6-150, Code of Alabama 1975, providing for commemorative motor vehicle license plates, to provide that veterans awarded the Purple Heart for being wounded in action may receive a commemorative motor vehicle license plate without the payment of an additional fee.

was read a third time at length and passed, and ordered sent forthwith to the House.

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Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Windom -26

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., SB 307, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Windom -23

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 307. To provide that the interest of a member of a municipal governing body whose spouse is employed by the city board of education is not a special financial interest for purposes of voting on appointments to the city board of education and approving general appropriations for schools.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Windom -23

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 2, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (J), and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 2. To provide for a pay scale for county chief appraisers based on population of the counties.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18 Nays 2

Yeas:

Senators:

Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Ellis, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Mitchell, Mitchem, Parsons, Sanders, and Windom -18

Nays:

Senators:

Bailey and Little

- 2

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 107. COMMENDING H. E. "BUDDY" SMITH FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

HJR 120. REQUESTING THE RETENTION OF GOVERNOR LURLEEN B. WALLACE'S PORTRAIT IN THE STATE CAPITOL ROTUNDA.

Also:

HJR 121. COMMENDING MONTGOMERY'S ROBERT E. LEE HIGH SCHOOL ON THE 1992 STATE CLASS 6A FOOTBALL CHAMPIONSHIP.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 90. Amending Sections 29-1-12, 29-1-13, and 41-4-150, Code of Alabama 1975, providing for the time period for the preparation, delivery, and distribution of the journals of the House of Representatives and the Senate.

GREG PAPPAS,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., SB 221, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Windom -20

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 221. Amending Sections 16-47-10 and 16-52-12, Code of

Alabama 1975, permitting police officers of the University of Alabama and Jacksonville State University to carry persons arrested to the nearest municipal court; and specifying the arrest powers of police officers of the University of Alabama.

was taken up.

The Standing Committee on Judiciary/Criminal Justice and Public Safety reported the following amendment to the Bill, SB 221, to-wit:

AMENDMENT TO SB 221

Amend Senate Bill 221, on Page 3, Line 22, as follows:

after the word "Jacksonville" insert the following " _".

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Windom -20

Nays:

- 0

And said Bill, SB 221, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., SB 222, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, deGraffenried, Denton, Dixon, Floyd, Ghee,

Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens,
Parsons, Sanders, Waggoner, and Windom -20

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 222. To amend Sections 17-6-8, 17-7-18, 17-8-2, 17-8-25, 17-8-29, 17-16-55, and 21-4-22 of the Code of Alabama 1975, to provide for poll watchers in referendum elections; to prohibit electioneering within certain proximity to all polling places; to require withdrawals from an election by candidates 50 or more days before that election; to provide for the number of paper ballots at each voting place; to provide further for the casting of ballots by electors and assistance to the electors; to provide penalties for election officials marking ballots contrary to the direction or request of a voter; and to require that certain guidelines to assure accessibility of registration and polling places for handicapped and elderly individuals apply at all elections.

was taken up.

Senator Ghee offered the following amendment to the Bill, SB 222, to-wit:

AMENDMENT TO SB 222

Amend SB 222 on Page 6, Line 2, after the period, by adding the following language: No elector shall remain more than five minutes in, nor shall he or she be

Further amend on Page 6, Line 4, by striking the following language: No elector shall be

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, deGraffenried, Denton, Dixon, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Windom -20

Nays: - 0

And said Bill, SB 222, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Windom -22

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Denton, B.I.R., SB 329, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Waggoner, and Windom -21

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 329. To amend Section 11-24-1, Code of Alabama 1975, which authorizes a county to regulate lot size, streets, drainage, and utilities in proposed subdivisions and to authorize additions to proposed subdivisions in a county to regulate manufactured home parks; to provide that counties may employ inspectors and charge inspection fees from the owners of property inspected; and to provide for criminal penalties for violations of Chapter 24 of Title 11 of the Code of Alabama 1975, and any rules or regulations made pursuant to the chapter.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Waggoner, and Windom -21

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 3. To regulate the possession and other matters related to certain exotic animals; to prescribe the powers and duties of certain state agencies, officials, and other persons; to provide standards for the care of exotic animals; and to prescribe penalties for violations and provide remedies.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 174. To provide for the establishment, composition, and powers of the Alabama Agricultural Museum Board.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Parsons, B.I.R., SB 142, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 142. To provide for the offense of giving a false name or address to a law enforcement officer; and to provide penalties.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -24

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 12, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), and Waggoner -21

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 12. Relating to insurance; to provide further for a system for allowing the Commissioner of Insurance to regulate certain reinsurance brokers and managers who solicit, negotiate, or place reinsurance cession or retrocession on behalf of a ceding insurer; to include provisions for licensure, required contract provisions, duties, and prohibited acts, along with penalties and liabilities for violations.

was taken up.

On motion of Senator Wilson, the Rules were suspended and further consideration of the Bill, SB 12, was postponed subject to the call of the Chair.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 221. Amending Sections 16-47-10 and 16-52-12, Code of

Alabama 1975, permitting police officers of the University of Alabama and Jacksonville State University to carry persons arrested to the nearest municipal court; and specifying the arrest powers of police officers of the University of Alabama.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 13, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Dixon, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Mitchem, Owens, Parsons, Sanders, and Windom -17

Nay: Senator Corbett

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 13. To provide for regulation by the Department of Insurance of the formation and the operation of risk retention groups and purchasing groups in this state formed pursuant to the federal Liability Risk Retention Act of 1986, to the extent permitted by federal law; and to make certain exceptions for county self-insurance funds.

was taken up.

Senator Owens offered the following amendment to the Bill, SB 13, to-wit:

AMENDMENT TO SB 13

Amend SB 13 as follows:

On page 7, Section 2 (11) c. 2., delete lines 10 through 16 and in lieu thereof insert the following:

2. Has as its sole owner an organization which has as:

(i) Its members only persons who comprise the membership of the risk retention group; and

(ii) Its owners only persons who comprise the membership of the risk retention group and who are provided insurance by that group.

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Dixon, Floyd, Foshee, Ghee, Hill, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Windom -18

Nays:

- 0

And said Bill, SB 13, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Denton, Dixon, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), and Windom -19

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 90. Amending Sections 29-1-12, 29-1-13, and 41-4-150, Code of Alabama 1975, providing for the time period for the preparation, delivery, and distribution of the journals of the House of Representatives and the Senate.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 14, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 14. To further provide for the examination and licensure procedures of the various insurance agents and companies and insurers in the formation, operation, and transactions of insurance business, as well as meet certain standards for accreditation set by the National Association of Insurance Commissioners, more specifically as follows:

(a) To further provide for the examination of insurers by the Commissioner of Insurance and others to revise the standards; and for these purposes to amend Section 27-2-21, Code of Alabama 1975, relating to examinations.

(b) To further regulate the insurance industry and any person, firm, association, or corporation who is a managing general agent of any type insurance; to authorize the Commissioner of Insurance to issue certain rules and regulations to implement and administer this act.

(c) To further regulate the property and casualty insurers and require a certificate of a qualified independent loss reserve specialist relating to loss and loss adjustment expense reserves in the annual report of those insurers.

(d) To provide further for the scope of coverage provided by the Alabama Life and Disability Insurance Guaranty Association and, except as specified, to restrict the coverage by the association to residents of the State of Alabama, and for this purpose to amend Section 27-44-3, Code of Alabama 1975; and

(e) To further regulate insurers; to require all domestic insurers and health maintenance organizations to become subject to the investment limitations and qualifications of Chapter 41, Title 27, Code of Alabama 1975, and for this purpose to amend Sections 27-41-1, 27-41-2, and 27-41-3, Code of Alabama 1975.

(f) Relating to insurance and insurance holding systems; to regulate business placed with a producer controlled property and casualty insurer; to limit the amount placed with the producer and provide for the liability of the controlling producer in the event of an insolvency by the controlled insurer and for that purpose to conform the Alabama law to the Business Transacted With Producer Controlled Property and Casualty Insurer Act, adopted by the National Association of Insurance Commissioners, and to define these transactions and business; to provide for certain disclosures, hearing processes, and penalties for prohibited acts and violations.

was taken up.

Senator Owens offered the following amendment to the Bill, SB 14, to-wit:

AMENDMENT TO SB 14

Amend SB 14 as follows:

On page 11, line 16, in Section 4 (2), after "insurer" insert:
and

On page 27, line 24, in Section 17, immediately before subsection (b), insert a new subparagraph as follows:

(11) The controlled insurer shall provide the controlling producer with its underwriting standards, rules, and procedures, and manuals setting forth the rates to be charged, and the conditions for the acceptance or rejection of risks. The controlling producer shall adhere to the standards, rules, procedures, rates, and conditions. The standards, rules, procedures, rates, and conditions shall be the same as those applicable to comparable business placed with the controlled insurer by a producer other than the controlling producer.

On page 28, in Section 17 (d), delete in its entirety subparagraph (3), lines 21 through 30.

On page 28, in Section 17, delete lines 1 through 20 and insert in lieu thereof the following:

(c) This section shall not apply if:

(1) The controlling producer:

a. Places insurance only with the controlled insurer, or only with the controlled insurer and one or more members of the holding company system of the controlled insurer, or only with the parent,

affiliate, or subsidiary of the controlled insurer and receives no compensation based upon the amount of premium written in connection with the insurance, and

b. Accepts insurance placements only from non-affiliated sub-producers and not directly from insureds, and

(2) The controlled insurer, except for insurance business written through a residual market facility such as the Automobile Assigned Risk Plan, accepts insurance business only from a controlling producer, a producer controlled by the controlled insurer, or a producer that is a subsidiary of the controlled insurer.

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -19

Nays:

- 0

Senator Owens then offered the following amendment No. 2 to the Bill, SB 14, as amended, to-wit:

AMENDMENT NO. 2 TO SB 14, AS AMENDED

Amend SB 14, as amended, as follows:

On page 14, line 27, delete "5" and in lieu thereof insert:

6

On page 16, line 26, in Section 6, after "(6)" insert the following:

An insurer shall review

and delete the word: "Review"

On page 16, line 27, in Section 6, delete the word "producer" and insert in lieu thereof:

agent

On page 16, line 29, in Section 6, delete the words "a producer" and in lieu thereof insert the words:

an agent

On page 16, line 30, in Section 6, delete the word "producer" and insert in lieu thereof:

agent

On page 16, line 28, in Section 6, delete "2(3)" and insert in lieu thereof:

3(3)

On page 17, in line 1 delete the word "producer" and in lieu thereof insert the word:

agent

On page 18, line 4, in Section 9 immediately after the period, insert a new sentence as follows:

Sections 3 to 9, inclusive, of this act may be cited as the "Alabama Managing General Agents Act."

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom

-19

Nays:

- 0

And said Bill, SB 14, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Denton, Dial, Dixon, Ellis, Floyd, Hale, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom

-20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 278, adopted.

Yeas 19 Nays 2

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Ellis, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, and Windom -19

Nays:

Senators:

Bedsole and Parsons

- 2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 278. To further provide for the implementation of the pilot project for a uniform system for electronic voting and for the electronic totaling of all votes cast on the voting machines and for the electronic transfer of election returns in the 1993 elections; to provide for reimbursement by the state of certain expenses of the county from savings from election expenses and election printing expenses; and to provide for orderly participation of counties in the program.

was taken up.

On motion of Senator Foshee, the Rules were suspended and further consideration of the Bill, SB 278, was postponed subject to the call of the Chair.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 222. To amend Sections 17-6-8, 17-7-18, 17-8-2, 17-8-25, 17-8-29, 17-16-55, and 21-4-22 of the Code of Alabama 1975, to provide for poll watchers in referendum elections; to prohibit electioneering within certain proximity to all polling places; to require withdrawals from an election by candidates 50 or more days before that election; to provide for the number of paper ballots at each voting place; to provide further for the casting of ballots by electors and assistance to the electors; to provide penalties for election officials marking ballots contrary to the direction or request of a voter; and to require that certain guidelines to assure accessibility of registration and polling places for handicapped and elderly individuals apply at all elections.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Bolling, B.I.R., SB 333, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Dixon, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 333. To establish and provide for the "Tuition Guaranty Fund" in the State Treasury to reimburse students or entities which make loans to students of certain proprietary (for profit) postsecondary educational institutions which close prior to earning the tuition collected from their students.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Windom -21

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 144, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Campbell, Corbett, Dixon, Ellis, Floyd, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 144. To provide for mandatory premium reductions for mo-

tor vehicle insurance for persons 55 years of age or older for completion of accident prevention courses under certain conditions.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 116, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, and Smith (J) -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 116. Prescribing additional standards and restrictions for governing boards of educational institutions and funds to use for guidance in investing and managing educational trust funds and providing for the releasing of restrictions on the use of certain funds or the selection of investments for certain funds through donor acquiescence or court action.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, and Smith (J) -18

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hale requested and received permission to suspend the Rules in order to bring up the Bill, SB 171.

Senator Mitchem, B.I.R., SB 171, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Campbell, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Windom -21

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 171. To amend Sections 22-5-2, 22-5-4, 22-5-5, and 22-5-6 of the Code of Alabama 1975, relating to the Commission on Physical Fitness; to further provide for the name, powers, meetings, and responsibilities of the Commission on Physical Fitness; to include the support, sponsorship, and co-sponsorship of sports events by the Commission; to include, except for the next executive director and successors, the present employees of the commission under the merit system; to provide for a management coordinator for the commission; and to provide for the effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Bedsole, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -22

Nay: Senator Corbett

- 1

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill and

**REGULAR SESSION
8th Day**

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Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 24

SJR 26

SJR 27

Delivered to the Governor, February 23, 1993, at 2:30 P.M.

SB 90

Delivered to the Governor, February 23, 1993, at 3:50 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 4:30 P.M., on motion of Senator Ellis, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, February 25, 1993, at 10 o'clock A.M.

Yeas 13 Nays 10

Yeas:

Senators:

Corbett, deGraffenried, Ellis, Floyd, Ghee, Hill, Langford, Lindsey, Mitchell, Parsons, Sanders, Smith (B), and Windom

-13

Nays:

Senators:

Bailey, Bedsole, Dial, Dixon, Foshee, Hale, Little, Owens, Smith (J), and Waggoner

-10

NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 25, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Mr. Charles Moore, Deacon, Hall Memorial C.M.E. Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Mary Bertha Godwin, Greenville High School, Greenville, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Figures and Langford for today.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 2, 1993, at 2 o'clock P.M., which motion was adopted.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Lindsey:

S. 452. To assess a civil penalty after a hearing thereon by the Commissioner of Agriculture and Industries for violations of laws or rules and regulations concerned with honeybees and apiaries, livestock markets and dealers, commercial feeds, fertilizer, agricultural lime, plants and trees, grain dealers, petroleum products, ginseng and public warehouses; to provide that the maximum amount of the penalty shall not exceed \$10,000 and that all incidents arising from the same transaction shall constitute but one offense; to provide for rules and regulations setting out the maximum amount of the penalty for each offense; to provide for an appeal of the assessment of the penalty before the State Board of Agriculture and Industries, and to further provide for judicial review of the board's action; to provide for revocation of a license or permit upon failure to pay said penalty; to expressly repeal Section 8-15-10 which provides for a civil penalty of \$1,000 to be collected in court for failure of a warehouse to be permitted.

Committee on Agriculture,
Conservation, and Forestry

By Senator Bedsole:

S. 453. To amend Sections 36-21-4 and 36-21-5 of the Code of Alabama 1975, so as to define "calendar week."

Committee on Agriculture,
Conservation, and Forestry

By Senator Sanders:

S. 454. To provide that handicapped music dealers shall have the same rights as able-bodied music dealers to purchase music instruments from manufacturers or wholesalers of music instruments, and to provide for penalties.

Committee on Public Welfare

By Senators Corbett, Floyd, Bennett, Lindsey, Sanders, and Little:

S. 455. To provide that desecration of a place of burial, including an American Indian place of burial, is a Class C felony.

Committee on Economic Affairs

By Senator Mitchell:

S. 456. To amend Section 8-17-221, Code of Alabama 1975, relating to permits from the State Fire Marshal for the sale of fireworks, to authorize the sale of fireworks in tents certified to meet certain standards of the National Fire Protection Association.

Committee on Small Business

By Senator Waggoner:

S. 457. Relating to insurance; to provide that insurance coverage for medically necessary early intervention services be included as coverage for newborn children under any insurance policy, nonprofit service corporation contract, or health maintenance organization evidence of coverage; providing family members' coverage; providing that the benefits be provided as part of a basic benefits policy, with certain maximum coverage; and providing that the benefits paid not be applied by the insurer against any maximum benefit limits, as may be specified in the policy, by amending Section 27-19-38, Code of Alabama 1975.

Committee on Health

By Senator Sanders:

S. 458. To create the Health Care Reform Act of 1993; to provide for a health care delivery network system and the promulgation of regulations by the Department of Human Resources; to create the Alabama Board of Family Health Care Providers, and to provide for fees and the qualifications and duties of the midlevel health care practitioners; to provide for linkage agreements, and the scope of medical care payable by the Department of Human Resources; to provide for participation of

pregnant women and certain children in the Alabama Medical Assistance Program; to increase reimbursement to physicians and dentists providing services to Medicaid recipients; to provide for the development of a Center of Excellence for Rural Health Care by the University of Alabama in Birmingham and recruitment and placement of physicians by the university; to increase the number of registered nurses; to provide for an employer tax credit for health insurance; to provide for student health insurance; to provide for a uniform claim form for reimbursement; to create a Health Care Trust, a Hospital Indigent Care Trust Fund, and distribution of the funds; to establish a long-term-care case management demonstration program in the Department of Human Resources; to provide for the construction of certain health care facilities; and to provide for appropriations.

Committee on Health

By Senators Bolling, Bedsole, Owens, Mitchem, Waggoner, Hale, Campbell, Lindsey, Floyd, and Amari:

S. 459. Relating to Extended Unemployment Compensation; to amend Section 25-4-75, Code of Alabama 1975, to discontinue application of certain special restrictions on entitlement and to substitute therefor provisions of this chapter applicable to claims for regular compensation.

Committee on Finance
and Taxation

By Senator Bennett:

S. 460. Providing for the rights and obligations of innkeepers and guest relating to their ability to pay, obligation of parents for the liability of their minor children, the right of innkeepers to refuse accommodation, maintenance of a guest register, right to eject persons from the premises, and provide for penalties.

Committee on Consumer Affairs

By Senator Bedsole:

S. 461. To amend Section 33-4-48, Code of Alabama 1975, relating to compensation of pilots of ships and vessels; and to increase certain compensation paid to pilots.

Committee on Agriculture,
Conservation, and Forestry

By Senator Floyd:

S. 462. To amend Sections 40-25-5 and 40-25-23 of the Code

of Alabama 1975, to reduce the tobacco tax stamp dealer discount allowance; to specify that interest which may apply to tobacco tax administration shall be in accordance with Section 40-1-44 of the Code of Alabama 1975; to provide the Department of Revenue with certain rule-making and regulatory authority; to provide that a certain portion of the revenue shall be distributed to the State General Fund; and to provide for the allocation of this revenue to the Department of Corrections for certain purposes for a specified period.

Committee on Finance
and Taxation

By Senator Smith (B):

S. 463. Regulating the use of explosives; to create the "Alabama Explosives Safety Act of 1993"; to require that the commercial users of explosives be required to obtain a blasting license, and a local explosives use permit from the appropriate municipal issuing authority; to require certain persons to be certified as blasters; to provide a licensure procedure by the State Fire Marshal's Office; to require that certain records be maintained on blasting operations; to provide for the payment and expenditures of fees, civil penalties, grants, and appropriations collected and expended pursuant to this act, to provide that unexpended funds credited to the State Fire Marshal's Fund shall not revert to the General Fund to the State Treasury; to make certain exemptions; to provide for penalties for violations; to authorize administrative and civil remedies for violations; to establish standards relating to seismograph measurements; to provide for the issuance, refusal, suspension, revocation, or renewal of a blasting license, permit, or a certification for blasting under certain conditions; and to provide for certain emergency variations from the general provisions of this act.

Committee on Business
and Labor Relations

By Senators Campbell, Denton, Corbett, Bedsole, Foshee, Bolling, Hale, Smith (B), Floyd, Amari, and Lindsey:

S. 464. To amend the plan for linked deposits where low interest loans are made to qualified private farm and business borrowers in Section 5-21-5, Code of Alabama 1975, to extend the maximum period of the low interest loans to certain agricultural and business operations.

Committee on Agriculture,
Conservation, and Forestry

By Senator Hale:

S. 465. To amend Section 40-13-6, Code of Alabama 1975, to

provide for disbursement and appropriation of proceeds from certain coal severance taxes.

Select Committee on
Fiscal Responsibility

By Senator Bailey:

S. 466. To provide therapy or treatment for law enforcement officers who suffer from stress resulting from work-related trauma; and to provide funding for the treatment or therapy may be according to contracts or grants offered by the Department of Mental Health and Mental Retardation to the community program providing the services.

Committee on Public Welfare

By Senators Dial, Hale, Barron, Ellis, Bolling, Mitchell, Owens, Dixon, Langford, Bedsole, Lipscomb, and Little:

S. 467. To authorize the Alabama Public School and College Authority to sell and issue two hundred ten million dollars (\$210,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories, physical education facilities and research facilities, including the acquisition of land for colleges and universities, technical colleges, junior colleges, elementary-secondary school systems and other public educational entities; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and to provide that if any portion of

this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Select Committee on
Fiscal Responsibility

By Senators Dial, Bedsole, Owens, Smith (B), Waggoner, Barron, Bolling, Parsons, Ellis, Bailey, Dixon, and Lipscomb:

S. 468. Relating to the Ethics Law; to define and redefine certain terms and to amend certain provisions to conform with these definitions; to permit the Ethics Commission to investigate complaints on its own initiative; to remove the prohibition against investigating anonymous complaints; to specify existing advisory opinions would prevail until superseded; to regulate public statements of members and employees of the commission concerning complaints and investigations and to specify criminal penalties for violations; to grant the commission certain subpoena powers; to increase the minimum salary at which a public employee is required to file a statement of economic interests; to provide for the certification by the commission to the proper election officer of the name of a candidate who failed to properly file a statement and to require the removal of the name of the candidate from the ballot; to specify that any person who is a public official or public employee as defined by this act, would be subject to this act; to amend Sections 36-25-1, 36-25-2, 36-25-4, 36-25-6, 36-25-12, 36-25-13, 36-25-14, 36-25-15, 36-25-18, and 36-25-30, Code of Alabama 1975; and to repeal Section 36-25-24, Code of Alabama 1975, which required a citizen to initially file a complaint against a public official or public employee with the commission.

Committee on Constitution
and Elections

By Senator Wilson:

S. 469. To amend Section 40-13-32, Code of Alabama 1975, to provide further for distribution of certain proceeds from a coal and lignite severance tax.

Committee on Energy and
Natural Resources

BILL RE-REFERRED

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the Bill, SB 195, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, SB 195, re-referred to the Standing Committee on Finance and Taxation.

RESOLUTIONS

Senators Foshee and deGraffenried offered the following Senate Resolution, to-wit:

SR 33. TO INVESTIGATE SECURITY MEASURES FOR THE SENATE.

WHEREAS, it is necessary that the Legislative process be operated in an orderly and safe environment; and

WHEREAS, the public is entitled to view and participate in their governmental process in a safe and secure environment; and

WHEREAS, our society has experienced various incidents of violence, which have occurred in both public and private settings; and

WHEREAS, it is the desire of the Senate of the State of Alabama to operate in a manner which provides for the safety of its members and is accessible to the public; now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, That the Secretary of the Senate is hereby instructed to investigate necessary security measures, including but not limited to the installation of metal detectors and other equipment to insure that the safety and security of the 7th and 8th floors of the Alabama State House are provided for on behalf of the public and members of the Senate.

On motion of Senator Foshee, the Resolution was adopted by the Senate.

Senator Windom offered the following Senate Joint Resolution, to-wit:

SJR 34. URGING THE UNITED STATES CONGRESS TO TAKE ALL NECESSARY AND APPROPRIATE ACTION TO REDUCE THE REGULATORY BURDEN ON BANKS.

WHEREAS, billions of dollars of regulatory paperwork costs are imposed on the banking industry each year; and

WHEREAS, in a recent survey by the Independent Bankers Association of America and the Independent Community Bankers Association of Alabama, it was found that banks spend an estimated \$11 billion a year on compliance; and

WHEREAS, banks with assets of less than \$50 million, which represents half of the banks in the nation, are hit particularly hard and spend 25 percent of their operating costs on regulatory compliance; and

WHEREAS, in Alabama alone, \$150 million was spent last year in regulatory compliance; and

WHEREAS, compliance costs absorb scarce banking resources that could be better used for the core business of banking, of making loans and providing high quality financial products and services to customers; and

WHEREAS, the excessive volume of red tape discourages some banks from offering certain products to their customers, and has grown so large over the last decade that the costs of compliance are totally out of balance with the intended benefits of the regulations; and

WHEREAS, the costs can be significantly reduced without compromising the effectiveness of the basic laws designed to assure bank safety and soundness; and

WHEREAS, less regulatory burden would create more credit for local consumers and businesses, and more reasonable fees and rates for customers; and

WHEREAS, less regulatory burden would create more profitable banks and ultimately a safer and sounder banking industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of this body respectfully urge the United States Congress to take all necessary and appropriate action to reduce the regulatory burden on banks.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to each member of the Alabama Congressional Delegation.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders offered the following Senate Joint Resolution, to-wit:

SJR 35. COMMENDING JOHN HULETT ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

WHEREAS, on the occasion of his retirement, the Alabama Legis-

lature most highly commends John Hulett on his distinguished career as Sheriff of Lowndes County since 1970; and

WHEREAS, Sheriff Hulett, a native of Gordonsville, Alabama, was educated at Gordonsville Grammar School, graduated from Lowndes County Training School, now Central High School, and later studied at Harvard University, the University of Wisconsin, Sanford University and the University of Alabama; and

WHEREAS, John Hulett, who was the first Black registered voter in Lowndes County since reconstruction, was elected sheriff in 1970, and has since been reelected by wide margins of victory, each four years from 1974 to 1990; and

WHEREAS, Sheriff Hulett, a self-described ordinary person, has successfully fought for and brought about extraordinary change in Lowndes County, Alabama, and the nation, for more than two decades; and

WHEREAS, he was a founder and president of the Lowndes County Christian Movement for Human Rights; has been involved in activities of both the Southern Christian Leadership Conference and Alabama New South Coalition; and, in the late 1960s, requested and was granted an injunction in federal court in a case that was used as a precedent in a later case, resulting in a decision that declared Alabama's fee system for Justices of the Peace to be unconstitutional; and

WHEREAS, in addition, however, to his political and social activities, and the time-consuming demands of the Sheriff's Office, John Hulett is a dedicated family man, and has long been committed to community leadership through involvement with the American Cancer Society and Mount Carmel Missionary Baptist Church, among many other programs and affairs of civic concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to community, state and nation, and on the occasion of his retirement as one of our state's most prominent law enforcement officers, we hereby commend Sheriff John Hulett of Lowndes County, Alabama, to whom a copy of this resolution of highest praise shall be presented.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Biddle (With Notice and Proof):

H. 92. Relating to Jefferson County, providing that the sheriff may employ a confidential secretary; providing for the compensation, benefits, and employment status of a confidential secretary; and prohibiting a confidential secretary from seeking an elected county office.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 92, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Rogers (J) (With Notice and Proof):

H. 99. Relating to Jefferson County; to provide that each Commissioner of the Jefferson County Commission shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out official duties as a commissioner, or a certain expense allowance as reimbursement for the commissioners' use of a personal vehicle and fuel, oil, and repairs for official duties.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 99, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Rich and McDaniel (With Notice and Proof):

H. 388. Relating to Marshall County; establishing a sheriff reserve within the county sheriff's department.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 388, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Rich and McDaniel (With Notice and Proof):

H. 389. Relating to Marshall County; authorizing the sheriff to offer abandoned and stolen property for sale at public auction to the highest cash bidder; and providing for the disposition of the net revenues generated from the sale.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 389, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Perdue (With Notice and Proof):

H. 395. Relating to Jefferson County, regulating persons practicing the art of tattooing; prescribing certain criminal and administrative penalties; and prescribing an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 395, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 92, 99, and 395 - to the Committee on Local Legislation
No. 2

HB's 388 and 389 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Zoghby, Kvalheim, Gaston, Rockhold, Harper, and Buskey:

H. 437. To amend Section 11-62-1 of the Code of Alabama 1975, as amended, which defines terms used in the chapter pertaining to municipal special health care facility authorities, so as to expand the definition of "eligible investment," as used in that chapter.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 437 - to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Box:

H. 15. To revise the membership of the Commission on Uniform State Laws and provide for the payment of its expenses and dues by amending Sections 41-9-370 to 41-9-374, inclusive, Code of Alabama 1975; and to make a supplemental appropriation to the commission.

Also:

By Rep. Campbell:

H. 96. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as originally contained in the 1991 Cumulative Supplement to certain volumes of the Code and carried forward into the 1992 Cumulative Supplement, and as contained in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A, and to make corrections in certain volumes of the 1992 Cumulative Supplement, as brought from the 1991 Cumulative Supplement, and in the 1991 Replacement Volume 18; and to adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 First Special and Regular Sessions of the Legis-

lature, as contained in the 1992 Cumulative Supplement to certain volumes of the Code and in the 1992 Replacement Volumes 9, 15, 15A, and 20 of the Code, and to make corrections in certain volumes of the 1992 Cumulative Supplement and the 1992 Replacement Volume 15.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 15 and 96 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Perdue (With Notice and Proof):

H. 396. Relating to Jefferson County, regulating the operation of tanning facilities and prescribing criminal and administrative penalties.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 396, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 489. Relating to Cherokee County; providing for an additional expense allowance and salary for the coroner and an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 489, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 396 - to the Committee on Local Legislation No. 2

HB 489 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird:

H. 21. To propose an amendment to the Constitution of Alabama of 1901, to levy an additional one mill ad valorem tax, and providing for the distribution of the proceeds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 21 - to the Committee on Public Welfare

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 280. To require that all state departments, divisions, boards, bureaus, commissions, agencies, institutions and offices notify the Office

of Attorney General whenever any legal action is initiated against any such entity or its employees; to require that such entities notify the Joint Fiscal Committee and the Legislative Fiscal Office whenever such legal action is instituted against any state agency or official concerning the budget process or a revenue source; to require such entities notify the Legislative Council and Legislative Reference Service whenever such legal action is instituted against any state agency or official concerning the operations of the Legislature; and to provide that the Joint Fiscal Committee or Legislative Council may intervene in any such litigation and that associated costs shall be paid from funds appropriated for the use of the legislature.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 280 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson:

H. 468. To authorize the State Board of Health while administering the United States Department of Agriculture Food and Nutrition Service funded Special Supplemental Food Program for Women, Infants, and Children (WIC) Program; to adopt reasonable rules relating to the enforcement, penalties, and sanctions pursuant to the administration of the WIC Program; and to impose criminal penalties.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 468 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Carothers:

H. 3. To provide for certain crimes and offenses relating to animals and research, agricultural, or educational facilities relating to animals; and to provide penalties, restitution, and injunctive relief.

Also:

By Rep. Carothers:

H. 4. To establish as a Class "C" felony the unlawful, wanton, or malicious killing or disabling of livestock of another; to allow in addition, the collection of damages in an amount double the value thereof; to define livestock.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 3 and 4 - to the Committee on Judiciary/Criminal Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Layson:

H. 7. To amend Section 16-45-4, Code of Alabama 1975, relating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of a member institution to designate an officer or employee of the institution to serve on the board.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 7 - to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Carns:

HJR 146. COMMENDING THOMAS E. BRADFORD, JR., FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

By Rep. Carns:

HJR 147. MOURNING THE DEATH OF DONALD L. COLLINS OF BIRMINGHAM, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Bennett, the Rules were suspended and the Resolution, HJR 146, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 147, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 293. Amending Section 36-7-20, Code of Alabama 1975, to provide further for expenses for members of the Legislature traveling

within the state to attend events sponsored by certain national and regional legislative organizations.

Also:

By Reps. Beasley, Campbell, Higginbotham, Box, Clark (J), and Laird:

H. 349. To provide further for the administration, powers, and duties of the Legislative Reference Service by amending Sections 29-7-2, 29-7-4, 29-7-5, and 29-7-6 and repealing Section 29-7-3 of the Code of Alabama 1975.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 293 - to the Select Committee on Fiscal Responsibility

HB 349 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Parker (T), Drake, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner,

Turnham, Venable, Walker, Warren, White, Williams, Willis,
and Zoghby:

**HJR 134. COMMENDING THE UNIVERSITY OF ALABAMA
ON THE 1992 NATIONAL FOOTBALL CHAMPIONSHIP.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, HJR 134, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McKee, Mikell, Walker, Knight (J), Holmes, and Hooper:

**HJR 133. COMMENDING GEORGE W. LEAK FOR OUT-
STANDING PERFORMANCE AND ACHIEVEMENT.**

Also:

By Rep. Black (M):

**HJR 135. COMMENDING GENE BUSBY OF TUSCUMBIA,
ALABAMA, ON THE OCCASION OF HIS RETIREMENT.**

Also:

By Rep. Holmes:

**HJR 137. COMMENDING MRS. THELMA MCWILLIAMS
GLASS FOR OUTSTANDING ACHIEVEMENT AND SERVICE.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, HJR's 133, 135, and 137, set out in the foregoing

Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Morton:

HJR 128. NAMING HERMAN MOORE OF BIRMINGHAM "LIBRARY SUPPORTER OF THE YEAR, 1991" FOR THE STATE OF ALABAMA.

Also:

By Reps. Higginbotham and Turnham:

HJR 126. COMMENDING LEE COUNTY VOLUNTEER FIRE FIGHTERS FOR OUTSTANDING SERVICE IN THEIR VITAL ROLE AS A PART OF THE COUNTY'S EMERGENCY RESPONSE SYSTEM.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, HJR's 128 and 126 set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McMillan, Ford, Bugg, Smith (R), and Penry:

HJR 142. COMMENDING DOROTHY L. WRIGHT FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

By Rep. Hooper:

HJR 143. COMMENDING THE MONTGOMERY SOUTH-

**EAST YMCA BLUES AS THE STATE 8 YEAR OLDS BASKETBALL
TOURNAMENT CHAMPIONS.**

Also:

By Rep. Kvalheim:

**HJR 144. MOURNING THE DEATH OF WILLARD CLIF-
FORD LOWERY OF MOBILE, ALABAMA.**

Also:

By Reps. Cullins and Venable:

**HJR 145. COMMENDING E. C. GWALTNEY OF RUSSELL
CORPORATION FOR OUTSTANDING ACHIEVEMENT AND SER-
VICE.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, HJR's 142, 143, 144, and 145, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holladay:

**HJR 132. CREATING THE CONTINUING STATE CONSTI-
TUTION REVISION STUDY COMMITTEE.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Continuing State Constitution Revision Study Committee is created. The committee shall be a continuing committee composed of the members of the Judiciary Committee of the House of Representatives and the members of the Judiciary/Criminal Justice and Public Safety Committee of the Senate and the Judiciary/Civil Committee of the Senate, or the successor committee of these committees. The committee shall elect a chair and vice-chair at the first meeting.

The committee shall direct the Alabama Law Institute to submit to the committee proposed revisions to specific articles or portions of the Constitution of Alabama of 1901. The committee shall study the proposed changes submitted and may request the Alabama Law Institute to revise the proposals.

The committee may submit to the Legislature reports, conclusions, and recommendations, including legislation proposing changes to specific articles or portions of the Constitution of Alabama of 1901, during any session of the Legislature. All proposals of the committee shall be submitted to the Legislature by the year 2000.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 132, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Banking Board.

Respectfully submitted,
G. DENNIS NABORS,
Chief of Staff.

Done this 23rd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. James R. Jones from Flomaton, Alabama to the State Banking Board. He will be representing the 1st Congressional District and his term will expire on February 1, 1999.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 23rd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Banking Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the State Banking Board.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 23rd day of February, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. W. R. Collins from Huntsville, Alabama to the State Banking Board. He will be representing the 5th Congressional District and his term will expire on February 1, 1999.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 23rd day of February, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the State Banking Board, was read and referred to the Standing Committee on Confirmations.

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on

Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey (With Substitute):

S. 249. To require certain persons or entities to obtain a certification from the State Department of Public Health before conducting bill audits or utilization reviews, or both, for covered medical insurance services.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Wilson:

S. 450. To provide that a spouse would be jointly and severally liable for the medical debts of their spouse when the medical care is provided by a hospital licensed by the state.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Substitute):

S. 132. Relating to laboratories performing analyses of water other than drinking water; to require that laboratories performing those analyses be certified by the Alabama Department of Environmental Management; to establish a certification program; to authorize the adoption of certification fees; to require the department to accept only analyses performed by certified laboratories; and to make the act effective January 1, 1994.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Sanders:

S. 401. To amend Sections 32-5A-171 and 32-5A-173, Code of

Alabama 1975, as amended, which relate to maximum speed limits so as to provide that the maximum speed limit on unpaved roads shall be 25 miles per hour except as otherwise provided.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Amendment):

S. 434. Transferring certain sections of the Code of Alabama 1975, regarding the crime of child abuse, amending the Code of Alabama 1975 by adding Section 13A-6-26, repealing Sections 26-15-1, 26-15-2, 26-15-3, and 26-15-4, Code of Alabama 1975.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Ellis:

S. 435. Relating to eligibility for retirement of justices of the supreme court, judges of courts of appeals, and judges of circuit courts; amending Section 12-18-6, Code of Alabama 1975, to reopen the Judicial Retirement Fund to allow certain judges to purchase additional prior service credit.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Owens:

S. 102. Relating to the offense of driving under the influence of alcohol and drugs; to amend Sections 32-5A-191 and 32-5A-194, Code of Alabama 1975, to reduce the blood alcohol level necessary to create the presumption of driving under the influence; to require the Director of the Department of Public Safety to suspend the driver's license or permit of any person the department determines was driving or in actual control of a motor vehicle with a blood alcohol level of 0.08 percent or more or who refused to take the blood alcohol test required under existing law; to provide for the due process procedural requirements and

to exempt certain proceedings from the Alabama Administrative Procedure Act; and to provide an effective date.

By Senator Floyd:

S. 324. To amend Section 6-5-462 of the Code of Alabama 1975, relating to survival of a claim by and against a personal representative in proceedings not of an equitable nature.

By Senator Little:

S. 341. To amend Section 6-10-7 of the Code of Alabama 1975, as amended by Act No. 92-681, S. 52, 1992 Second Special Session (Acts 1992), relating to payment of fund received by the court pursuant to a writ of garnishment.

By Senator Bennett:

S. 382. Relating to the Bessemer Division of the Tenth Judicial Circuit in Jefferson County, amending Act No. 202, H. 449, 1990 Regular Session, so as to increase the number of Deputy District Attorneys in the Bessemer Division of the circuit.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett:

S. 212. To amend Section 16-25A-17, Code of Alabama 1975, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

By Senator Horn:

S. 214. To provide a cost-of-living increase for certain public education employees with the beginning of the 1993-94 fiscal year and to continue thereafter; and to establish miscellaneous pay provisions.

By Senator Horn:

S. 215. To provide for a cost of living increase to certain retirees and beneficiaries receiving a monthly benefit from the Teachers' Retirement System and in certain cases the Employees' Retirement System of Alabama, to provide for funding of such benefits, and to

provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Barron, deGraffenried, Ellis, Bolling, Denton, Dial, Waggoner, Little, Bailey, Horn, Campbell, Bedsole, Parsons, Corbett, Bennett, Langford, Dixon, Smith (J), Floyd, Sanders, Hale, Foshee, Mitchell, Lindsey, and Wilson (With Substitute):

S. 284. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Campbell, Mitchell, Langford, Sanders, Parsons, Bennett, Ghee, Bailey, Little, Bedsole, Foshee, deGraffenried, Floyd, Lindsey, Denton, Bolling, Wilson, and Smith (J) (With Amendment):

S. 285. To provide a cost-of-living increase for certain public education employees with the beginning of the 1993-94 fiscal year and to continue thereafter; to provide that certain salary schedules at two-year colleges shall be upgraded to reflect a cost-of-living pay adjustment; and to establish miscellaneous pay provisions.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey:

S. 290. To revise the current child labor laws relating to em-

ployment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Owens, Dial, and Ellis (With Amendment):

S. 330. To provide for a cost-of-living increase for certificated and non-certificated education personnel in the public schools; to provide for an increase in the minimum number of contract days and instructional days for education personnel; to provide for an increase in the salary schedule for all personnel at the Alabama Institute for Deaf and Blind, the Department of Youth Services School System, the Junior College System, and the Technical College System for the fiscal year beginning October 1, 1993.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 284. To amend Section 36-26-8, Code of Alabama 1975, relating to the duties of the Director of the State Personnel Department, to remove the requirement that the director annually publish the names and addresses of all state employees.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 117. To amend Section 37-1-37 of the Code of Alabama 1975, to provide for the regulation of the safety and operation of any logging or private railroad that crosses a public road.

By Senator Ghee:

S. 225. To amend Section 32-5-240, Code of Alabama 1975, to

require the use of lighting equipment on motor vehicles when windshield wipers are in use as a result of rain, sleet, or snow.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale (With Substitute):

S. 409. To establish a Recycling Industry and Market Development Council to assist in the development of markets for recovered materials and products with recycled content in this state and to provide for the function, duties, and membership of the council.

By Senator Bennett (With Substitute):

S. 275. To amend Sections 22-30A-1 to 22-30A-5 and 22-30A-7 to 22-30A-10, inclusive, Code of Alabama 1975, relating to the Alabama Hazardous Substance Cleanup Fund administered by the Alabama Department of Environmental Management to authorize the fund to be used to investigate potentially hazardous substance sites and to manage and remove materials from those sites; to authorize the recovery of expenditures from certain liable parties; to provide that the liability of liable parties under this act is joint and several; and to provide for a more concise report of the director of the department.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dial:

S. 16. Providing certain educational assistance benefits for certain active members of the Alabama National Guard.

By Senators Dixon, Bolling, Barron, Bedsole, Ellis, Dial, and Hill:

S. 134. To provide a voluntary checkoff designation on state income tax returns for contributions to the Alabama Ethics Commission.

By Senator Foshee:

S. 168. To require that a tax stamp be placed on each bail bond issued and to provide for the sale, collection, and distribution of the proceeds.

By Senator Denton:

S. 180. Proposing an amendment to the Constitution of Alabama of 1901, as amended, to provide that every mayor, sheriff and elected county official shall be entitled to participate in the Employees' Retirement System of Alabama, its successor state employee retirement system, or any municipal or county retirement system in which the employees of such official's respective municipality or county may participate and such official's participation shall be upon the same terms and conditions as may be specified by law or regulation from time to time for the respective municipal or county employees, as the case may be, participating in such retirement system. For the purposes of this amendment the term "elected county official" shall include any official appointed to serve the remaining term of a county elective office.

The above Bill was read a second time at length as required by the Constitution.

By Senator Floyd:

S. 200. To amend Sections 40-12-48, 40-12-49, as amended by Act No. 92-600, S. 324, 1992 Regular Session, 40-12-71, 40-12-92, 40-12-99, 40-12-126, 40-12-135, 40-12-136, and 40-12-155, Code of Alabama 1975, relating to the annual business license taxes paid by persons practicing certain professions to the state, to remove the exemption from the payment of annual business license taxes to the counties.

By Senator Little:

S. 227. To provide that any member of the employees' or teachers' retirement system, who, not more than one year prior to becoming a member of the system, was a member of the judicial retirement fund, may elect to transfer his or her creditable service and accumulated contributions from the judicial retirement fund to the employees' or teachers' retirement system.

By Senator Little:

S. 232. To amend Section 36-21-70, Code of Alabama 1975, as amended by Act No. 92-438 of the 1992 Regular Session, relating to the Peace Officers' Annuity and Benefit Fund, so as to allow retirement upon completion of 25 years of qualified service, regardless of age.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Waggoner (With Substitute):

S. 272. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board, a nonprofit corporation, may elect to become members of the Teachers' Retirement System of Alabama and the State Employees' Health Insurance Plan; to provide that the Alabama Sports Hall of Fame Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

S. 298. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Council on the Arts.

By Senator Horn:

S. 311. To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal year beginning October 1, 1993.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Floyd (With Amendments):

S. 320. To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

Senator Horn, Chairperson of the Standing Committee on Finance

and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dial:

S. 321. Allowing certain retired judges of probate to qualify for maximum disability pension benefits under the Judicial Retirement Fund by using certain service as a circuit clerk and to provide for the cost of any increased benefits.

By Senator Ellis:

S. 346. To amend Section 36-27-6, Code of Alabama 1975, to prescribe terms and conditions whereby certain employees of state or county agencies and departments may become members of the Employees' Retirement System of Alabama.

By Senator Bailey:

S. 351. To provide that upon the death of a state employee his or her beneficiary shall be entitled to payment of one-half of the deceased employee's accrued and unused sick leave.

By Senators Dixon, Foshee, Ellis, and Waggoner:

S. 356. To amend Sections 36-27-25 and 16-25-20, Code of Alabama 1975, to provide for the investment of the funds of the Teachers' and Employees' Retirement Systems of Alabama, in accordance with the same terms and limitations set forth in the Federal Employee Income and Security Act of 1974; and to amend Section 16-25-14, Code of Alabama 1975, to provide that optional retirement allowances selected by members of the Teachers' Retirement System shall become effective on the date of retirement of the member.

By Senator Langford:

S. 360. Providing that a retired judge of probate may participate in the state employees group health insurance plan if the retired judge pays the entire cost for the group health insurance.

By Senator Dial:

S. 377. To provide that any member of the Employees' or Teachers' Retirement System, who, not more than one year prior to becoming a member of the system, was a member of the Judicial Retirement Fund, may elect to transfer his or her creditable service and

accumulated contributions from the Judicial Retirement Fund to the Employees' or Teachers' Retirement System.

By Senator Mitchell:

S. 407. To make a supplemental appropriation from the State Bar Association Fund to the Alabama State Bar Association for the fiscal year ending September 30, 1993.

By Senators Mitchell and Bailey:

S. 421. Relating to in-home services and equipment to persons with a developmental disability and families having a person with a developmental disability; to create the Individual and Family Support Program to provide those services and equipment; and to make the act effective October 1, 1993, and to provide that the act shall continue after October 1, 1998, only if continued by an act of the Legislature.

By Senator Foshee:

S. 422. To revise the present bail system, by establishing four kinds of bail, judicial public bail, cash bail, property bail, and professional surety bail, and to establish rules, regulations, and laws to guarantee that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer criminal charges; to establish a more lenient and secure form of property bail; to establish laws that guarantee speedy release on bail; to grant to the Alabama Supreme Court the authority to promulgate and adopt rules to regulate the qualification of Professional Bail and Professional Surety Companies engaged in the bail business; and to establish laws that ensure the payment to the State of Alabama and its subdivisions of monies owed from defaults of bail.

By Senator Horn:

S. 437. To provide further for certain sales tax exemptions, to amend Section 40-23-4, Code of Alabama 1975.

By Rep. Holley:

H. 65. To authorize the Attorney General to represent the state, counties, and municipalities in a class action lawsuit against the United States of America, its agents, or assigns for the faulty design, construction, or maintenance of any levee that broke and caused flooding in 1990.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Butler and McMillan (With Amendment):

H. 87. To make a supplemental appropriation from the State General Fund to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993, and to specify the purposes for which the funds may be used.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Butler and McMillan:

H. 88. Relating to veterans' nursing homes and veterans' homes, amending Sections 22-21-260 and 22-21-277, Code of Alabama 1975, to include certain veterans' nursing homes and veterans' homes within the definition of a health care facility requiring a certificate of need.

By Rep. Payne:

H. 123. To require the county commission of each county to allow certain local veterans' organizations to use the county courthouse or other county building to conduct regular or special business meetings.

By Rep. Harper:

H. 246. To make a supplemental appropriation to the Alabama Department of Economic and Community Affairs in the amount of five hundred seventy-five thousand dollars (\$575,000) for the fiscal year ending September 30, 1993.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Butler, McMillan, and Freeman (With Substitute):

H. 301. To amend Section 38-4-12 and Section 40-8-3, Code of Alabama 1975, to appropriate the surplus revenues from the one mill tax

for relief of needy Confederate soldiers and sailors to veterans home programs.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron:

S. 429. To amend Sections 8-19-3, 8-19-5, 8-19-6 and 8-19-8, Code of Alabama 1975, relating to the Deceptive Trade Practices Act, to add provisions relating to promotional giveaways, credit repair services, campground membership facilities, career consulting firms, loan brokers, health spas, and odometers; and provide misdemeanor and felony penalties for specific violations.

Senator Bennett, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Notice and Proof):

S. 10. Relating to the Tenth Judicial Circuit in Jefferson County, amending Act No. 90-542, Regular Session, so as to increase the number of Deputy District Attorneys in said circuit.

By Senator Parsons (With Notice and Proof):

S. 315. Relating to Jefferson County; regulating the operation of tanning facilities; requiring the safe and sanitary operation of tanning devices; and prescribing criminal and administrative penalties.

By Senator Parsons (With Notice and Proof):

S. 319. Relating to Jefferson County; regulating persons practicing the art of tattooing; and prescribing criminal and administrative penalties.

By Rep. McClain (With Notice and Proof):

H. 69. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Midfield in Jefferson County.

By Rep. Rogers (F) (With Notice and Proof):

H. 91. To alter, rearrange, and extend the boundary lines and

corporate limits of the municipality of Graysville in Jefferson County.

By Rep. Hawkins (With Notice and Proof):

H. 297. To authorize the county commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Hoover City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.39 on each one hundred dollars (13.9 mills on each dollar) of assessed value.

By Rep. Gaines (With Notice and Proof):

H. 314. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Homewood in Jefferson County.

By Rep. Gaines (With Notice and Proof):

H. 328. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Hale, Denton, and Lipscomb:

S. 443. To require each vessel owner, with certain exceptions, to obtain a certificate of title for vessels which are not documented by the United States Coast Guard; to provide for the procedures of titling of vessels by the Department of Conservation and Natural Resources, the transfer of titles, dealers' records and duties, levy of execution, procedures for antitheft, and departmental rule making authority; to provide for enforcement by the Division of Marine Police of the department; to provide misdemeanor and felony penalties for certain crimes and offenses relative to boat titling; and to amend Sections 33-5-11, 33-5-15, and 33-5-17 of the Code of Alabama 1975, to require a boat title before the boat can be registered under certain conditions and to increase boat registration fees.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 14. To further provide for the examination and licensure procedures of the various insurance agents and companies and insurers in the formation, operation, and transactions of insurance business, as well as meet certain standards for accreditation set by the National Association of Insurance Commissioners, more specifically as follows:

(a) To further provide for the examination of insurers by the Commissioner of Insurance and others to revise the standards; and for these purposes to amend Section 27-2-21, Code of Alabama 1975, relating to examinations.

(b) To further regulate the insurance industry and any person, firm, association, or corporation who is a managing general agent of any type insurance; to authorize the Commissioner of Insurance to issue certain rules and regulations to implement and administer this act.

(c) To further regulate the property and casualty insurers and require a certificate of a qualified independent loss reserve specialist relating to loss and loss adjustment expense reserves in the annual report of those insurers.

(d) To provide further for the scope of coverage provided by the Alabama Life and Disability Insurance Guaranty Association and, except as specified, to restrict the coverage by the association to residents of the State of Alabama, and for this purpose to amend Section 27-44-3, Code of Alabama 1975; and

(e) To further regulate insurers; to require all domestic insurers and health maintenance organizations to become subject to the investment limitations and qualifications of Chapter 41, Title 27, Code of Alabama 1975, and for this purpose to amend Sections 27-41-1, 27-41-2, and 27-41-3, Code of Alabama 1975.

(f) Relating to insurance and insurance holding systems; to regulate business placed with a producer controlled property and casualty insurer; to limit the amount placed with the producer and provide for the liability of the controlling producer in the event of an insolvency by the controlled insurer and for that purpose to conform the Alabama law to the Business Transacted With Producer Controlled Property and Casualty Insurer Act, adopted by the National Association of Insurance Commissioners, and to define these transactions and business; to provide for certain disclosures, hearing processes, and penalties for prohibited acts and violations.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES**Mr. President:**

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 13. To provide for regulation by the Department of Insurance of the formation and the operation of risk retention groups and purchasing groups in this state formed pursuant to the federal Liability Risk Retention Act of 1986, to the extent permitted by federal law; and to make certain exceptions for county self-insurance funds.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Floyd, B.I.R., SB 103, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Wilson

-25

Nays:

- 0

BILLS ON THIRD READING

THE BILL:

S. 103. Relating to Etowah County; proposing a constitutional amendment to the Constitution of Alabama of 1901, authorizing the Etowah County Commission to levy an additional surcharge in cases in which the circuit courts, district courts, or municipal courts of Etowah County impose a fine for any offense or violation of a criminal law, a traffic law, or any ordinance of a political subdivision of Etowah County; and providing for the distribution of the revenues derived from the additional surcharge.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Floyd, B.I.R., SB 104, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 104. Relating to Etowah County; proposing an amendment to the Constitution of Alabama of 1901, to authorize the Etowah County Commission to levy additional costs and fees on certain civil and criminal cases in the county and to provide for the distribution of the funds collected.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., SB 357, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 357. To amend Sections 11-44B-6 to 11-44B-8, inclusive, Code of Alabama 1975, and to add Section 11-44B-8.1 to the Code of Alabama 1975, to provide further for the operating procedures of mayor-council form of government adopted by Class 4 municipalities.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Wilson -25

Nays:

- 0

RESOLUTIONS

Senators Bedsole, Dixon, Windom, Foshee, Floyd, Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Ghee, Hale, Hill, Horn, Langford, Little, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Wilson offered the following Senate Joint Resolution, to-wit:

SJR 36. COMMENDING PRESIDENT GLENDA S. MCGAHA OF TROY STATE UNIVERSITY IN MONTGOMERY.

WHEREAS, it is with sincere pleasure, and with great pride in her accomplishments, that the Alabama Legislature congratulates the president of Troy State University in Montgomery, Dr. Glenda S. McGaha, who is the first woman ever to serve as president of a four-year college or university in the State of Alabama; and

WHEREAS, Dr. McGaha brings to this position an impressive

professional background, including tenures as health specialist, Central Alabama Youth Services, Selma; clinical specialist in pediatrics, Saint Francis Hospital in Tulsa; level coordinator and assistant professor at the University of Tulsa, College of Nursing; and successive service as baccalaureate program coordinator, and as chairperson, Department of Nursing, Southeast Missouri State University; and

WHEREAS, returning to Alabama as an American Council on Education Fellow (1988-89), Dr. McGaha was assigned to the Office of the President, University of Alabama at Birmingham and, prior to her selection as president of Troy State University in Montgomery, served as Dean, School of Nursing, Troy State University System; and

WHEREAS, Dr. McGaha's educational credentials include a B.S. degree in nursing from the University of South Carolina, Master's degree in nursing (pediatrics and administration) from the University of Alabama in Birmingham, and her Ph.D. from Oklahoma State University; and

WHEREAS, eminently qualified, both academically and through vast experience as a teacher and administrator at the university level, Dr. McGaha has served in her new position since October 1992, and it is with sincere best wishes that we look to her for a long and prosperous era of outstanding leadership and continuous academic excellence at Troy State University in Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional service and achievement, we hereby commend Dr. Glenda S. McGaha, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Senator Hale, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole, Windom, Dixon, and Hale offered the following Senate Joint Resolution, to-wit:

SJR 37. COMMENDING BISHOP WILLIAM MILTON SMITH OF MOBILE, ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the outstanding accomplishment and service of Bishop William Milton Smith of Mobile, Alabama; and

WHEREAS, a native of Stockton, Bishop Smith attended Lomax-Hannon Junior College, received his B.S. degree from Alabama State University, and pursued further studies at Tuskegee Institute, Hood

Theological Seminary, and Perkins School of Theology at Southern Methodist University in Dallas; and

WHEREAS, Bishop Smith, after entering the ministry at an early age, joined the Southern Alabama Conference serving pastorates at St. Thomas in Perdido, Zion in Atmore, Zion Star and Zion Fountain in Brewton, Ebenezer Church in Montgomery, and at Big Zion in Mobile from which he was elected and consecrated Bishop in 1960; and

WHEREAS, during his early tenure in the episcopacy, Bishop Smith was assigned nine mission conferences, and over the course of his career until retiring in 1992, served as Senior Bishop, African Episcopal Zion Church (1978-1992); presiding Prelate of the First Episcopal Area; in a number of offices with the World Methodist Council, including president of the North American Section, and Presidium of the Council; and as a member and/or officer in many civic and community organizations at local, state and national levels; and

WHEREAS, additionally, his considerable ability and invaluable leadership qualities have been recognized through such distinctions as nomination as a White House Fellow by President Reagan; inclusions by "Ebony" magazine among the 100 most influential Blacks in the nation; selection to the Boards of Trustees of Alabama State University, Livingston University and Hood Seminary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the ministry and in areas of civic responsibility, we hereby most highly commend Bishop William Milton Smith of Mobile, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 38. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Ninth Legislative day only.

Page

S. 100

Theft of property offenses, civil restitution provided

35

**REGULAR SESSION
9th Day**

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S. 231	43
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S. 199	60
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S. 328	73
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S. 340	56
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S. 230	66
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S. 205	71
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S. 326	42
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S. 303	21
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Travel and other expenses, reimbursement of for public officials provided, Sec. 36-7-1 am'd.	
S. 304	20
Supreme Court, auth. to transfer to the Ct. of Civil Appeals, cert. cases appealed to it, Sec. 12-2-7 am'd.	
S. 107	35
Corrections Dept. and Pardons and Paroles Bd., permitted to	

perform cert. investigations in domestic violence and related cases, subject to review and findings by hearing officers

S. 188 30

Alabama Kidney Foundation, Inc., approp.

S. 201 27

Rural or small hospitals, income tax credit granted to physicians in rural communities

S. 177 33

Juvenile proceedings, multiple needs child provided for, Secs. 12-15-1, 12-15-33, 12-15-65, 12-15-71 am'd.

S. 202 29

Rural hospitals, exempt from certificate of need review condition re offering of cert. new services, Sec. 22-21-263 am'd.

S. 136 16

Fair housing law, discrimination prohib., Act 91-659, Reg. Sess. 1991 am'd.

S. 245 45

Local gov't. contracts for cert. computer equipment and printing services, exempted from competitive bids, Sec. 41-16-51 am'd.

S. 155 6

Early intervention services for infants and toddlers with disabilities, estab.

S. 109 36

Prisoners sentenced for less than life terms, civil disabilities and operation of statute of limitations removed for cert. civil actions and other prop. rts., Sec. 6-2-8 am'd.

S. 286 20

Administration of a decedent's estate, personal representatives, duties and powers provided, Secs. 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, 43-2-316 repealed

S. 219 37

Child abuse, crime of sexual torture estab.

S. 223 28

Prisoners in mun., co., or st. facilities, testing re sexually transmitted disease, victim of sex offense may obtain HIV

**REGULAR SESSION
9th Day**

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test results, Sec. 22-11A-17 am'd.

S. 135 7

Aviation Hall of Fame, successor terms for membs. of bd.,
Sec. 41-9-721 am'd.

S. 210 16

Motor Vehicle Safety Responsibility Act, proof of financial
responsibility after accident, min. insured or security, Secs.
32-7-2, 32-7-8, 32-7-22, 32-7-27 am'd., Sec. 32-7-39
repealed

S. 265 14

Liquefied Petroleum Gas Bd., vacancies, notification of work
on gas systems, research and ed. committee, research and
ed. fund, Secs. 9-17-100, 9-17-104, 9-17-109, 9-17-110
am'd.

S. 235 11

Veterinarians, advertisements and solicitation to public reg.

S. 258 27

Radiation Advisory Bd., veterinarian incl., Sec. 22-14-5
am'd.

S. 4 4

Small Business Incubator Act, approp.

S. 299 44

Motor vehicle tags, veterans and armed forces reservists,
distinct tags auth., fees, Sec. 32-6-150 am'd.

S. 208 68

Rental prop. and leasing of private prop., cos. and muns.
prohib. from enacting price controls, retroactive effect

S. 15 34

Criminal storage of firearms, 1st and 2nd degrees defined,
penalties, licensing procedure, Parental Adult Firearms
Responsibility Act estab.

S. 133 82

Legislature, limitation on terms, consti. amend.

S. 308 47

Elections, holding of, notice, designation of voting places,
installation and maintenance of voting machines, Secs. 11-
46-5, 11-46-22, 11-46-24, and 17-9-4 amd.

S. 373	56
Family violence protection order enforcement provided	
S. 123	17
S. 138	6

On motion of Senator Hale, the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF SB 12

The Senate proceeded to further consideration of the Bill:

S. 12. Relating to insurance; to provide further for a system for allowing the Commissioner of Insurance to regulate certain reinsurance brokers and managers who solicit, negotiate, or place reinsurance cession or retrocession on behalf of a ceding insurer; to include provisions for licensure, required contract provisions, duties, and prohibited acts, along with penalties and liabilities for violations.

having been postponed on the Eighth Legislative Day, was taken up.

And said Bill, SB 12, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Wilson, and Windom -22

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., SB 100, adopted.

Yeas 21 Nays 0

Abstaining 1

Yeas:

Senators:

Barron, Bedsole, Bolling, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Waggoner, and Windom -21

Nays:

- 0

Abstaining: Senator Sanders

- 1

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 100. Authorizing the owner of goods for sale to bring a civil action to recover damages from any person who commits or attempts to commit a theft of the goods and specifying the damages therefor; and providing for a delayed effective date.

Senator deGraffenried offered the following substitute for the Bill, SB 100, to-wit:

SUBSTITUTE FOR SB 100

**A BILL
TO BE ENTITLED
AN ACT**

Authorizing the owner of goods for sale to bring a civil action to recover damages and expenses for the recovery of merchandise from any person who commits or attempts to commit a theft of the goods and specifying the damages and expenses for the recovery of merchandise therefor; and providing for a delayed effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds that shoplifting and employee theft have reached near epidemic proportions and that efforts to control these criminal offenses through traditional methods have proven unsuccessful and costly to both the general public and to business.

The existing criminal justice system is overcrowded and burdened thereby causing unreasonable delay. Continual use of the criminal justice system for shoplifting and employee theft offenses creates a further strain on an already overcrowded criminal docket, thereby requiring more tax revenue to pay for a continual expansion of the criminal justice system.

The continuous growth of shoplifting and employee theft cases in the face of traditional efforts to control these offenses represent added cost to retailers which, in turn, is passed on to the consumer in higher prices. Additionally, the merchandise lost to theft is not converted to profit in the form of sales for the retailer which results in millions of dollars in tax revenues lost.

Therefore, the Legislature deems that the utilization of an alterna-

tive form of deterrence to eliminate shoplifting and employee theft which avoids the stigma of a criminal record is more desirable than the present system.

Section 2. (a) An adult or emancipated minor who commits or attempts to commit a theft of property consisting of goods for sale on the premises of a merchant in violation of Sections 13A-8-3, 13A-8-4, and 13A-8-5, Code of Alabama 1975, shall be civilly liable to the merchant in an amount consisting of all of the following:

(1) The full retail value of the merchandise if not recovered in merchantable condition at its full retail price.

(2) Expenses for recovery of the merchandise in the amount of \$200.

(3) Reasonable attorney's fees and court costs.

(b) Parents or legal guardians of an unemancipated minor under the age of 19 shall be liable in a civil action for the minor who commits or attempts to commit a theft of property consisting of goods for sale on the premises of a merchant in violation of Sections 13A-8-3, 13A-8-4, or 13A-8-5, Code of Alabama 1975, to the merchant in an amount consisting of all of the following:

(1) The full retail value of the merchandise if not recovered in merchantable condition at its full retail price.

(2) Expenses for recovery of the merchandise in the amount of \$200.

(3) Reasonable attorney's fees and court costs.

(c) A customer who orders a meal in a restaurant or other eating establishment, receives at least a portion thereof, and then leaves with the intent to defraud the eating establishment, without paying for the meal is subject to liability under this section, if such meal is received by the customer in a good and merchantable condition.

(d) Persons operating a certified foster home are not liable under this section for the acts of children not related to them by blood or marriage who are under their care, nor shall parents or legal guardians whose child is not living with them or where the juvenile violates Sections 13A-8-3, 13A-8-4 or 13A-8-5, Code of Alabama, 1975, with the intent to make the parent or legal guardian liable, be held liable under this act.

Section 3. (a) A conviction or a plea of guilty to the criminal of-

fense of theft of property as defined in Title 13A, chapter 8, Code of Alabama 1975, is not a prerequisite to the bringing of a civil suit, obtaining a judgment, or collecting that judgment under this act.

(b) The fact that a merchant may bring a civil action against an individual as provided in this act shall not limit the right of the merchant to demand, in writing as set out in Section 3(c) below, that a person who is liable for damages and penalties under this act remit the damages and penalties prior to the consideration of the commencement of any legal action.

(c) The demand letter must be prepared and include the following:

On (insert date), you were apprehended for taking possession of, without paying for, merchandise belonging to (name of retailer/merchant).

Under Alabama Statute, a retailer/merchant is granted a civil cause of action against the person who intentionally deprives or intends to deprive a retailer/merchant of any merchandise without paying for it. The statute further provides that, separate from, and in addition to, any criminal action arising from your conduct, you may be held civilly liable for:

- (a) Cost of merchandise, if damaged;
- (b) Expenses for the recovery of the merchandise of \$200; and
- (c) Court costs and reasonable attorneys' fees.

This letter represents a demand from you for \$(amount) as a means of satisfying this civil matter.

We do not wish to file a civil action against you. However, if we do not receive payment within thirty (30) days from the date of this letter, we will make every effort to enforce our rights under this statute, which may include a civil court action.

Section 4. An action for recovery of damages and penalties under this act may be brought in any court of competent jurisdiction, including the small claims division of a district court where the person who committed the theft offense fails to make payment to the merchant of the amount specified in the demand within 30 days after the date of service of the written demand upon him or her, if the total damages do not exceed the jurisdictional limit of the small claims division.

Section 5. This act shall not be construed to prohibit or limit any

other course of action which a merchant may have against a person who unlawfully takes merchandise from the merchant's premises. Enforcement of this act is not a violation of Alabama Code Section 13A-10-7.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective on the first day of the third month next following its passage and approval by the Governor or its otherwise becoming a law.

Senators Sanders and deGraffenried offered the following amendment to the substitute for the Bill, SB 100, to-wit:

AMENDMENT TO SUBSTITUTE FOR SB 100

Amend the substitute for SB 100 Page 3 Lines 9 and 21, as follows:

By deleting the periods after the words "costs" and inserting the following:

"Not to exceed \$1000"

Further amend the substitute for SB 100 on page 3 on line 22 by adding:

"(4) Parents or legal guardians of an unemancipated minor under the age of 19 shall only be liable in a civil action in any calendar year for up to three offenses under the provisions of this Act with a maximum liability of \$750 for each offense."

Further amend the substitute for SB 100 by adding new Section 5 as follows:

"No attorney's fees shall be charged or collected unless a civil action has been filed under the provisions of this act, and renumbering all subsequent sections.

Further amend the substitute for SB 100 on page 5, line 11 by adding after the word "person" the following:

"or the parent or legal guardian of the unemancipated minor"

Which was adopted.

And said substitute, as amended, was then adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -26

Nays:

- 0

And said Bill, SB 100, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lipscomb, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -25

Nays:

- 0

FURTHER CONSIDERATION OF SB 278

The Senate proceeded to further consideration of the Bill:

S. 278. To further provide for the implementation of the pilot project for a uniform system for electronic voting and for the electronic totaling of all votes cast on the voting machines and for the electronic transfer of election returns in the 1993 elections; to provide for reimbursement by the state of certain expenses of the county from savings from election expenses and election printing expenses; and to provide for orderly participation of counties in the program.

having been postponed on the Eighth Legislative Day, was taken up.

Senators Windom and Foshee offered the following amendment to the Bill, SB 278, to-wit:

AMENDMENT TO SB 278

Amend Senate Bill 278, on Page 2, Lines 21-23, as follows:

by deleting the language "including write-in votes that have been electronically grouped by office as to spelling within the precinct where cast," .

Further amend Senate Bill 278, on Page 2, Line 25, as follows:

by deleting the language ",individual write-in vote totals".

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom
-24

Nays:

- 0

And said Bill, SB 278, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom
-25

Nays:

- 0

MOTIONS IN WRITING

Senator Windom offered the following Motions in Writing, to-wit:

I move that the Bill, SB 427, on page 79 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, SB 419, on page 78 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Also:

I move that the Bill, SB 420, on page 79 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which were adopted, and the President and Presiding Officer of the Senate ordered said Bills, SB's 427, 419, and 420, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 231, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, deGraffenried, Denton, Ellis, Floyd, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (B), Waggoner, and Windom -21

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 231. To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operation, duties, and authority; to authorize the promulgation of reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal Section 41-6-12, Code of Alabama 1975.

was taken up.

The Standing Committee on Consumer Affairs reported the following amendment to the Bill, SB 231, to-wit:

AMENDMENT TO SB 231

Amend Senate Bill No. 231, on Page 5, Line 16, as follows:

after the word "Alabama", insert the word "Public".

Which was adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, deGraffenried, Denton, Ellis, Floyd, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (B), Waggoner, and Windom -21

Nays:

- 0

And said Bill, SB 231, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -26

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 199, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 199. To revise the membership of the Commission on Uniform State Laws and provide for the payment of its expenses and dues by amending Sections 41-9-370 to 41-9-374, inclusive, Code of Alabama 1975; and to make a supplemental appropriation to the commission.

was taken up.

Senator Corbett offered the following amendment to the Bill, SB 199, to-wit:

AMENDMENT TO SB 199

Amend Senate Bill No. 199 Page 3 Line 29, as follows: after the word offices insert the following:

in the same manner as state employees are reimbursed for their expenses

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Ellis, Floyd, Foshee, Hale, Horn, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -20

Nays:

- 0

And said Bill, SB 199, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18 Nays 1

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Ellis, Floyd, Ghee, Hale, Horn, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom -18

Nay: Senator Corbett

- 1

MOTION TO ADJOURN LOST

Senator Corbett moved that the Senate adjourn until Tuesday, March 2, 1993, at 2 o'clock P.M., which motion was lost.

Yeas 4 Nays 19

Yeas:

Senators:

Corbett, Mitchell, Sanders, and Smith (B)

- 4

Nays:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Little, Owens, Smith (J), Waggoner, and Windom -19

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B.I.R., SB 260, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Dial, Ellis, Floyd, Ghee, Hale, Horn, Little, Mitchell, Sanders, Smith (B), Smith (J), Waggoner, and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 260. To prohibit a person from possessing, without authority, a state, county, or municipal traffic sign; and to provide penalties.

was taken up.

The Standing Committee on Judiciary/Criminal Justice and Public Safety reported the following substitute for the Bill, SB 260, to-wit:

SUBSTITUTE FOR SB 260**A BILL
TO BE ENTITLED
AN ACT**

To prohibit any person from possessing, without authority, any state, county, or municipal traffic sign; and to provide penalties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act, the term "traffic sign" shall mean any traffic sign, traffic signal, warning sign, guideboard, milepost, road marker, emergency telephone sign, or any similar sign, signal, or device used by the state or any political subdivision of the state on the highways, roads, bridges, or streets of this state for the warning, instruction, or information of the public.

Section 2. (a) No person may unlawfully possess any traffic sign erected by the state, a county, or a municipality.

(b) Any person who voluntarily notifies a law enforcement agency of the presence on their property of a traffic sign shall not be guilty of violating the provisions of this act.

Section 3. Any person who violates the provisions of this act shall be guilty of a Class "C" misdemeanor for the first offense and for a subsequent violation, shall be guilty of a Class B misdemeanor.

Section 4. Any fines collected pursuant to this act shall be deposited in the general fund of the county and distributed as follows: one-half shall be designated for law enforcement purposes and one-half shall be designated to the county road and bridge fund.

Section 5. The provisions of this act are supplemental and shall not be construed to repeal any law not in direct conflict with this act.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

COMMUNICATION FROM SENATOR ELLIS

February 23, 1993

Honorable James E. Folsom, Jr.
Lieutenant Governor
State of Alabama
11 South Union Street
Montgomery, Alabama 36130

Dear Jim:

I am resigning as a member of the Standing Committee on Agriculture, Conservation, and Forestry as well as the Sub-Committee on Forestry, Fish, and Game, effective today.

With warmest personal regards, I remain

Sincerely,

FRANK "BUTCH" ELLIS, JR.
Senator, District 14

The foregoing Communication from Senator Ellis, was read and ordered spread upon the Journal.

COMMITTEE APPOINTMENTS ANNOUNCED

The President and Presiding Officer of the Senate announced that Senator Hill has been appointed to the following Standing Committees of the Senate, to-wit:

Agriculture, Conservation, and Forestry

Consumer Affairs

FURTHER CONSIDERATION OF SB 260

The Senate proceeded to further consideration of the Bill, SB 260. The question was on the committee substitute.

And said substitute was then adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Ellis, Floyd, Ghee, Hale, Horn, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), and Waggoner -19

Nays:

- 0

Senator Corbett offered the following amendment to the Bill, SB 260, as amended by the substitute, to-wit:

AMENDMENT TO SB 260, AS AMENDED

Amend Senate Bill 260, as amended by the substitute, on page 2, line 5, by striking Section 3 in its entirety and inserting in lieu thereof the following:

Section 3. A person who violates the provisions of this act shall be fined not more than fifty dollars.

Which was adopted.

Yeas 12 Nays 5

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, deGraffenried, Floyd, Hale, Horn, Little, Owens, Smith (J), and Waggoner -12

Nays:

Senators:

Bedsole, Ellis, Lindsey, Lipscomb, and Mitchell

- 5

The President and Presiding Officer of the Senate declared a quorum present but not voting.

And said Bill, SB 260, as amended by the substitute, as amended, was read a third time at length and ordered sent forthwith to the House upon engrossment.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Dixon, Ellis, Floyd, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), and Waggoner -18

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 278. To further provide for the implementation of the pilot project for a uniform system for electronic voting and for the electronic totaling of all votes cast on the voting machines and for the electronic transfer of election returns in the 1993 elections; to provide for reimbursement by the state of certain expenses of the county from savings from election expenses and election printing expenses; and to provide for orderly participation of counties in the program.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 231. To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operation, duties, and authority; to authorize the promulgation of reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal Section 41-6-12, Code of Alabama 1975.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., SB 328, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Ellis, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -17

Nay: Senator Corbett

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 328. To make an appropriation to the Department of Public Health from the Alabama Legacy for Environmental Research Trust for the fiscal year ending September 30, 1993.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Owens, Sanders, and Waggoner -21

Nays:

- 0

BILL RE-REFERRED

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, returned the Bill, SB 459, to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, SB 459, re-referred to the Standing Committee on Business and Labor Relations.

BUDGET ISOLATION RESOLUTION

Senator Ellis, B.I.R., SB 340, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Little, Mitchell, Owens, Parsons, Sanders, and Waggoner -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 340. To provide that carjacking is a crime, provide for different classes of carjacking, and further provide for a penalty for persons convicted of carjacking.

was taken up.

Senator Ellis offered the following substitute for the Bill, SB 340, to-wit:

SUBSTITUTE FOR SB 340

**A BILL
TO BE ENTITLED
AN ACT**

To provide that carjacking is a crime, provide for different classes of carjacking, and further provide for a penalty for persons convicted of carjacking.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. A person commits the crime of carjacking in the first degree if he or she takes a motor vehicle from the person or presence of another person by force, violence, or by intimidation and death results to the victim.

Section 2. A person commits the crime of carjacking in the second degree if he or she takes a motor vehicle from the person or presence of another person by force, violence, or by intimidation and serious bodily injury results to the victim.

Section 3. (a) A person commits the crime of carjacking in the third degree if he or she takes a motor vehicle from the person or presence of another person by force.

(b) A person does not commit a crime under this section if:

(1) The taking of the motor vehicle is not coupled with the intent to use or to threaten to use deadly force.

(2) The sole purpose of the actor is to assume lawful control of the motor vehicle.

The burden of injecting the issue of defense under this subsection is on the defendant, but this does not shift the burden of proof.

Section 4. Carjacking in the first, second, and third degree is a felony offense.

Section 5. (a) Punishment for a person convicted of carjacking in the first degree shall be determined and fixed as provided by Article 2, Chapter 5 of Title 13A of the Code of Alabama 1975.

(b) A person convicted of the crime of carjacking in the second degree shall be sentenced to not more than 99 years or life nor less than 20 years.

(c) A person convicted of carjacking in the third degree shall be sentenced to not more than 20 years nor less than four years.

Section 6. This act is cumulative and shall not be construed to repeal or supersede any laws not directly in conflict therewith.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Dial, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), and Waggoner -20

Nay: Senator Sanders

- 1

And said Bill, SB 340, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Waggoner, and Windom -24

Nay: Senator Sanders

- 1

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 126. COMMENDING LEE COUNTY VOLUNTEER FIRE FIGHTERS FOR OUTSTANDING SERVICE IN THEIR VITAL ROLE AS A PART OF THE COUNTY'S EMERGENCY RESPONSE SYSTEM.

Also:

HJR 128. NAMING HERMAN MOORE OF BIRMINGHAM "LIBRARY SUPPORTER OF THE YEAR, 1991" FOR THE STATE OF ALABAMA.

Also:

HJR 142. COMMENDING DOROTHY L. WRIGHT FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

HJR 143. COMMENDING THE MONTGOMERY SOUTH-EAST YMCA BLUES AS THE STATE 8 YEAR OLDS BASKETBALL TOURNAMENT CHAMPIONS.

Also:

HJR 144. MOURNING THE DEATH OF WILLARD CLIFFORD LOWERY OF MOBILE, ALABAMA.

Also:

HJR 145. COMMENDING E. C. GWALTNEY OF RUSSELL CORPORATION FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

HJR 133. COMMENDING GEORGE W. LEAK FOR OUTSTANDING PERFORMANCE AND ACHIEVEMENT.

Also:

HJR 134. COMMENDING THE UNIVERSITY OF ALABAMA ON THE 1992 NATIONAL FOOTBALL CHAMPIONSHIP.

Also:

HJR 135. COMMENDING GENE BUSBY OF TUSCUMBIA, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

Also:

HJR 137. COMMENDING MRS. THELMA MCWILLIAMS GLASS FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

HJR 146. COMMENDING THOMAS E. BRADFORD, JR., FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

Also:

HJR 147. MOURNING THE DEATH OF DONALD L. COLLINS OF BIRMINGHAM, ALABAMA.GREG PAPPAS,
Clerk.**SIGNING OF RESOLUTIONS**

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MOTION TO ADJOURN RECONSIDERED

On motion of Senator deGraffenried, the Senate reconsidered the vote by which the motion to adjourn until Tuesday, March 2, 1993, at 2 o'clock P.M., was adopted.

Senator deGraffenried offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 2, 1993, at 1 o'clock P.M., which motion was adopted.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 207, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (B), and Waggoner -21

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 207. To provide further for the administration, powers, and duties of the Legislative Reference Service by amending Sections 29-7-2, 29-7-4, 29-7-5, and 29-7-6 and repealing Section 29-7-3 of the Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -22

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 100. Authorizing the owner of goods for sale to bring a civil action to recover damages and expenses for the recovery of merchandise from any person who commits or attempts to commit a theft of the goods and specifying the damages and expenses for the recovery of merchandise therefor; and providing for a delayed effective date.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Bailey, B.I.R., SB 230, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd, Ghee, Hale, Lindsey, Little, Mitchell, Sanders, Smith (B), Waggoner, and Windom -20

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 230. To establish the "Alabama Child Nutrition Law"; to require local boards of education to establish school breakfast and lunch programs beginning with the 1994-95 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, SB 230, to-wit:

AMENDMENT TO SB 230

On page 2, line 14, after the words "in every school", insert the following:

"which contains grades K-6"

On page 2, line 23, delete the figure "50" and insert in lieu thereof:

"75"

On page 2, line 24, after the word "act", insert the following:

"or ceases to be economically feasible"

On page 4, lines 11 and 12, delete the following:

"cause an unavoidable and unreasonable disruption of schedule which would"

On page 4, line 15, delete the figure "50" and insert in lieu thereof:

"75"

On page 4, line 16, after the word "act", insert the following:

"or ceases to be economically feasible"

Which was adopted.

Yeas 24 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, and Wilson -24

Nay: Senator Corbett

- 1

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 260. To prohibit any person from possessing, without authority, any state, county, or municipal traffic sign; and to provide penalties.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 199. To revise the membership of the Commission on Uniform State Laws and provide for the payment of its expenses and dues by amending Sections 41-9-370 to 41-9-374, inclusive, Code of Alabama 1975; and to make a supplemental appropriation to the commission.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 340. To provide that carjacking is a crime, provide for different classes of carjacking, and further provide for a penalty for persons convicted of carjacking.

DON HALE,
Chairperson.

FURTHER CONSIDERATION OF SB 230

The Senate proceeded to further consideration of the Bill, SB 230, as amended.

Senator Dixon offered the following amendment to the Bill, SB 230, as amended, to-wit:

AMENDMENT TO SB 230, AS AMENDED

Amend Senate Bill No. 230, as amended, Page 3 Line 12, as follows:

delete Section 6(4) beginning on line 12 and ending on line 15 in its entirety.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Parsons, Waggoner, Wilson, and Windom -24

Nays:

- 0

Senator Waggoner offered the following amendment to the Bill, SB 230, as amended, to-wit:

AMENDMENT TO SB 230, AS AMENDED

Amend SB 230, as amended, on page 2, beginning on line 12 by adding the following language to Sec. 3:

"Those schools which do not have a lunch program at the effective date of this act shall not be required to establish a lunch program."

Which was adopted.

Yeas 22 Nays 3

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Parsons, Smith (B), Waggoner, Wilson, and Windom -22

Nays:

Senators:

Bedsole, Corbett, and Sanders

- 3

MOTION TO ADJOURN LOST

Senator Dial moved that the Senate adjourn until Tuesday, March 2, 1993, at 1 o'clock P.M., which motion was lost.

Yeas 9 Nays 15

Yeas:

Senators:

Barron, Bolling, Corbett, Denton, Dial, Horn, Mitchell, Parsons, and Smith (J) - 9

Nays:

Senators:

Bailey, Bedsole, Bennett, Campbell, deGraffenried, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Little, Sanders, Waggoner, and Wilson -15

FURTHER CONSIDERATION OF SB 230

The Senate proceeded to further consideration of the Bill, SB 230, as amended.

On motion of Senator Foshee, the Rules were suspended and further consideration of the Bill, SB 230, as amended, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 205, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Waggoner, and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 205. To provide for an income tax credit to corporations for equipment manufacturing products containing recycled material.

was taken up.

The Standing Committee on Small Business reported the following substitute for the Bill, SB 205, to-wit:

SUBSTITUTE FOR SB 205

A BILL TO BE ENTITLED AN ACT

To provide for a nonrefundable income tax credit to taxpayers for

equipment or machinery which is used in the manufacture of products containing recycled material and to provide for its retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act, the following words and phrases shall have the following meanings:

(1) **FINISHED PRODUCT.** A marketable product or component thereof that has an economic value to a user and is ready to be used by the user in the ordinary course of its business.

(2) **POSTCONSUMER WASTE.** Those products generated by a business or consumer which have served their intended end uses and would normally be disposed of as solid waste, having completed their life cycle as a consumer item.

(3) **POSTINDUSTRIAL WASTE.** Fragments of products or materials generated in a manufacturing process which would normally be disposed of as solid waste, but does not include mill broke, wood slabs, chips, sawdust, or other wood residue from manufacturing process.

(4) **QUALIFIED PROPERTY.** Machinery or equipment located within Alabama which is used by the taxpayer exclusively in the manufacturing of finished products composed of at least 80 percent postindustrial waste or postconsumer waste, or any combination thereof.

Section 2. (a) For income years beginning on or after January 1, 1993, there shall be allowed as a credit against the tax imposed by Section 40-18-2, Code of Alabama 1975, an amount equal to 50 percent of the cost of qualified property placed in service on or after January 1, 1992. The amount of the allowable credit shall be claimed as provided in subdivision (c).

(b) The basis of any qualified property for which a credit is allowed shall be reduced by the amount of the credit. The basis adjustment shall be made for the income year for which the credit is allowed.

(c) The amount of the allowable credit shall be claimed as follows:

(1) Twenty-five percent of the cost shall be allowed for the income tax year the qualified property is placed in service.

(2) Fifteen percent of the cost shall be allowed for the income tax year immediately succeeding the income tax year the qualified property is placed in service.

(3) Ten percent of the cost shall be allowed for the income tax year immediately succeeding the income year specified in subdivision (2).

(d) In the case where the credit allowed by this section exceeds the tax imposed for any income tax year for which a credit is allowed, the excess may be carried over to the following year, and succeeding years if necessary, until the credit is used.

(e) If a tax payer disposes of the qualified property, or the machinery and equipment ceased to be qualified property, then the unused amount of credit that would have been otherwise allowed as a credit for the income tax year of disposition or cessation shall be forfeited.

(f) If two or more taxpayers share an interest in the qualified property eligible for the credit provided by this section, each taxpayer shall be eligible to receive the tax credit in proportion to its respective interest. Such tax credit shall be passed through to the taxpayer in the same manner as provided in Section 40-18-162 or Section 40-18-24, Code of Alabama 1975.

Section 3. This act shall become effective as of January 1, 1993, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Small Business then reported the following amendment to the substitute for the Bill, SB 205, to-wit:

AMENDMENT TO SUBSTITUTE FOR SB 205

Amend the substitute for SB 205, on Page 1, line 17, by deleting the period and inserting the following: "or which is used in the process of collecting or recovering recyclable materials or recovered materials."

Also, page 1, line 25, after the word "material" inserting the following: "or used in the process of collecting or recovering recyclable materials or recovered materials."

Also, page 2, line 13, after the word "Alabama" by inserting the following: "or rolling stock principally utilized in Alabama,"

Also, page 2, line 14, after the word "exclusively" by inserting the following: ":(i)"

Also, page 2, line 16, after the word "waste" by inserting the following: "or (ii) in the collection, transportation, storage, recovery or processing of recyclable materials or recovered materials"

Also, page 2, Section 1, after subsection (4) by adding the following definitions:

"(5) **RECOVERED MATERIALS.** Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing; a substantial portion of which are consistently used in the manufacture of products which may otherwise be produced from raw or virgin materials, but shall not include solvents or materials that are destined for energy recovery or any use which constitutes disposal."

"(6) **RECYCLABLE MATERIALS.** Those materials which are capable of being recycled, whether or not the materials have been diverted or removed from the solid waste stream."

"(7) **RECYCLING.** Any process by which materials are collected, separated, stored, recovered, or processed and reused or returned to use in the form of raw materials or products."

On motion of Senator Foshee, said amendment was laid on the table.

And said substitute was then adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Sanders, Waggoner, and Windom

-19

Nays:

- 0

And said Bill, SB 205, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18 Nays 2

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, deGraffenried, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Horn, Lipscomb, Little, Mitchell, Sanders, Waggoner, and Windom

-18

Nays:

Senators:

Floyd and Lindsey

- 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Clark (J), Harvey, Gullatt, Starkey, White, Hawkins, Black (L), Beasley, Blakeney, Bryant, Butler, Cagle, Campbell, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Ford, Freeman, Fuller, Gaines, Goodwin, Hall, Hamilton, Hammett, Haney, Harper, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Knight (A), Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Mikell, Morton, Newton (C), Parker (T), Penry, Petelos, Powell, Rich, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Turner, Walker, and Willis:

HJR 156. COMMENDING HIGHWAY DIRECTOR PERRY A. HAND FOR DISTINGUISHED ACHIEVEMENT AND SERVICE TO THE STATE OF ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, HJR 156, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Waggoner, B.I.R., SB 326, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Dixon, Ellis, Floyd, Foshee, Hale, Horn, Lindsey, Lipscomb, Little, Sanders, Waggoner, and Windom
-18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 326. To amend Section 41-9-450, Code of Alabama 1975,

providing for the Alabama Sports Hall of Fame Board, to increase the membership of the board from 10 to 14 members and give the Lieutenant Governor and the Speaker of the House each an appointment to the board.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Dixon, Ellis, Floyd, Foshee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Sanders, Waggoner, and Windom -19

Nays:

- 0

RESOLUTION

Senators Bolling and Hale offered the following Senate Joint Resolution, to-wit:

SJR 39. COMMENDING WORLD CHAMPION BARBECUE CHEF CARL SHEWBART OF HAMILTON AND RECOGNIZING HIM AS ALABAMA'S OFFICIAL BARBECUE CHEF.

WHEREAS, world renowned barbecue chef, Carl Shewbart of Hamilton, Alabama, has received numerous recognitions and awards at state, national and international levels over the past three years; and

WHEREAS, Carl Shewbart in 1992, received the Peoples Choice World Barbecue Championship after being judged by over five thousand people as having prepared the world's best barbecue at the World Barbe-Q-Lossal in Des Moines, Iowa; and

WHEREAS, the National Pork Producers also crowned Carl Shewbart as World Champion Boston Butt/Pork Shoulder Barbecuer at the 1992 World Barbe-Q-Lossal; and

WHEREAS, through such distinctions, among many others, Carl Shewbart has brought great fame and honor upon himself, his hometown, and the great State of Alabama as an incomparable chef and World Barbecue Champion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Carl Shewbart of Hamilton, Alabama, for outstanding achievement; we further recognize him as Alabama's Official

Barbecue Chef, and direct that he receive a copy of this resolution, executed in sincere praise and esteem, and as a memento of this honorary recognition by the Alabama Legislature.

On motion of Senator Bolling, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., SB 303, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Sanders, Waggoner, and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 303. Relating to the Court of Civil Appeals; to create two additional judgeships on the Court of Civil Appeals; to provide for the election of the first judge to fill each judgeship; to provide further for the appellate jurisdiction of the Court of Civil Appeals; and to amend Sections 12-3-1 and 12-3-10 of the Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 16 Nays 6

Yeas:

Senators:

Amari, Bennett, Campbell, deGraffenried, Ellis, Floyd, Foshee, Hale, Horn, Lindsey, Mitchell, Parsons, Sanders, Waggoner, Wilson, and Windom -16

Nays:

Senators:

Bailey, Bolling, Corbett, Dixon, Hill, and Little

- 6

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., SB 244, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, deGraffenried, Dixon, Ellis, Floyd, Foshee,
Hale, Hill, Horn, Lindsey, Little, Mitchell, Parsons, Waggoner,
Wilson, and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 244. To amend Section 36-7-1, Code of Alabama 1975, to provide that Article 1, Chapter 7 of Title 36, Code of Alabama 1975, shall not apply to the use of credit cards issued in the name of the municipality by municipal officers and employees while on municipal business beyond the limits of the municipality.

was taken up.

The Standing Committee on Governmental Affairs/Local Government reported the following substitute for the Bill, SB 244, to-wit:

SUBSTITUTE FOR SB 244**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 36-7-1, Code of Alabama 1975, to provide that Article 1, Chapter 7 of Title 36, Code of Alabama 1975, shall not apply to the use of credit cards issued in the name of the municipality by municipal officers and employees while on municipal business beyond the limits of the municipality nor shall the article apply to the use of credit cards issued in the name of the county by county officers and employees while on county business beyond the limits of the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-7-1, Code of Alabama 1975, is amended to read as follows:

"§36-7-1.

"It shall be unlawful for ~~any~~ an officer or employee of ~~any~~ a county, town, or city in Alabama to be reimbursed from the treasury of ~~any~~ a county or municipality for expenses incurred by him or her while traveling or remaining beyond the limits of counties and municipalities

in the performance of his or her duties incidental to the management or control of the affairs of ~~such~~ the county or municipality unless ~~said~~ the officer or employee presents and has approved as provided for in this article an itemized statement of all expenses incurred. Nothing in this article shall be interpreted as applying to the use of credit cards issued in the name of the municipality by municipal officers and employees beyond the limits of the municipality for which they work. Nothing in this article shall be interpreted as applying to the use of credit cards issued in the name of the county by county officers and employees beyond the limits of the county for which they work."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, deGraffenried, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Parsons, Waggoner, Wilson, and Windom -18

Nays:

- 0

And said Bill, SB 244, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, deGraffenried, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Parsons, Waggoner, Wilson, and Windom -18

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 205. To provide for a nonrefundable income tax credit to taxpayers for equipment or machinery which is used in the manufacture

of products containing recycled material and to provide for its retroactive effect.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., SB 304, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bennett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Parsons, Waggoner, Wilson, and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 304. To amend Section 12-2-7, Code of Alabama 1975, to authorize the Supreme Court to transfer to the Court of Civil Appeals certain civil cases appealed to the Supreme Court, and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bennett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Parsons, Waggoner, Wilson, and Windom -18

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Floyd, B.I.R., SB 107, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bennett, Campbell, deGraffenried, Dial, Dixon, Ellis, Floyd,

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Foshee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Parsons,
Sanders, Wilson, and Windom -20

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 107. To permit the Department of Corrections and the Board of Pardons and Paroles to perform certain investigations and procedures in domestic violence and related cases.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bennett, Campbell, deGraffenried, Dial, Dixon, Ellis, Floyd,
Foshee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Parsons,
Sanders, Wilson, and Windom -20

Nays: - 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Holley, Williams, Fuller, Starkey, Hammett, and Flowers:

H. 125. To allow employees in district attorney offices to purchase credit for service with a district attorney and to provide for an effective date.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 125 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

HJR 156. COMMENDING HIGHWAY DIRECTOR PERRY A. HAND FOR DISTINGUISHED ACHIEVEMENT AND SERVICE TO THE STATE OF ALABAMA.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

ADJOURNMENT

At 3:10 P.M., on motion of Senator Parsons, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, March 2, 1993, at 1 o'clock P.M.

TENTH LEGISLATIVE DAY

TUESDAY, MARCH 2, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Jack Floyd, Tenth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Hamilton Jackson Stokes, Andalusia Middle School, Andalusia, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Ellis and Wilson for today.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, March 4, 1993, at 10 o'clock A.M., which motion was adopted.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 244. To amend Section 36-7-1, Code of Alabama 1975, to provide that Article 1, Chapter 7 of Title 36, Code of Alabama 1975, shall not apply to the use of credit cards issued in the name of the municipality by municipal officers and employees while on municipal business beyond the limits of the municipality nor shall the article apply to the use of credit cards issued in the name of the county by county officers and employees while on county business beyond the limits of the county.

DON HALE,
Chairperson.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 470. To amend Sections 13A-6-66 and 13A-6-67, Code of Alabama 1975, which relate to the crimes of sexual abuse in the first and second degrees, so as to increase the punishment for both crimes.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Waggoner (With Notice and Proof):

S. 471. To authorize the County Commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Vestavia Hills City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.51 on each one hundred dollars (15.1 mills on each dollar) of assessed value.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 471, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Bedsole and Smith (B):

S. 472. Prohibiting certain attorneys from making campaign contributions to candidates seeking election or reelection to local or state judicial offices beginning on a certain date and providing penalties for violations.

Committee on Public Welfare

By Senators Dial and Bedsole:

S. 473. Relating to the regulation of lobbying, to provide definitions of certain terms and procedures for registering as a lobbyist, impose fees, exempt certain persons, provide for administrative penalties, prohibit the payment of fees contingent upon the passage or defeat of legislation, and to amend Section 36-25-1 and to repeal Sections 36-25-18, 36-25-19, 36-25-20, 36-25-21, and 36-25-22, Code of Alabama 1975.

Committee on Governmental
Affairs/State Administration

By Senator Little:

S. 474. To provide a remedy for an employee at will who is discharged from employment based solely upon the employee's sex.

Committee on Judiciary/Civil

By Senators Bedsole, Dial, Dixon, Smith (B), Bailey, Owens, Ghee, Bennett, Windom, and Little:

S. 475. Regulating the acceptance of campaign contributions by legislators and certain candidates for certain public offices beginning on a certain date.

Committee on Governmental
Affairs/State Administration

By Senator Little:

S. 476. To prohibit district attorneys from receiving additional personal compensation for the enforcement of child support obligations.

Committee on Finance
and Taxation

By Senators Bedsole, Dial, Owens, Smith (B), Dixon, Windom, and Little:

S. 477. Amending Section 17-22A-18, Code of Alabama 1975, to regulate the acceptance of campaign contributions by successful and unsuccessful candidates for certain offices and incumbent candidates for reelection after a certain date.

Committee on Governmental
Affairs/State Administration

By Senators Bedsole, Dial, Dixon, Owens, Windom, and Little:

S. 478. To amend Section 17-22A-18, Code of Alabama 1975, to prohibit a political committee from transferring any contribution to any other political committee beginning on a certain date.

Committee on Governmental
Affairs/State Administration

By Senator Corbett:

S. 479. To amend Section 40-21-82.1, Code of Alabama 1975, relating to the utilities tax, to exempt the Bakerhill Water Authority for the levy of the tax.

Committee on Economic Affairs

By Senators Amari and Parsons (With Notice and Proof):

S. 480. Relating to the Jefferson County Civil Service System;

further amending Section 19 of Act No. 248 of the 1945 Regular Session (Acts 1945, pp. 376-400), as amended, relating to the personnel board in counties having a population of 400,000 or more inhabitants according to the last federal decennial census; further providing for compensation and leave for employees and providing that the personnel board shall provide by rule for full compensation on holidays based on a full day's pay or, for employees that work in excess of 40 hours a week, one-fifth of the employees' weekly pay for each holiday.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 480, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Ghee, Bedsole, Smith (J), Windom, Lipscomb, and Bennett:

S. 481. To provide for the Alabama Recreational Trails System within the Department of Conservation and Natural Resources for the development of recreational trails; to provide for the Alabama Rails to Trails Program within the trail system; to provide for an advisory council; to provide for the adoption of regulations concerning the use of trails; and to provide penalties for violations.

Committee on Agriculture,
Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 34. URGING THE UNITED STATES CONGRESS TO TAKE ALL NECESSARY AND APPROPRIATE ACTION TO REDUCE THE REGULATORY BURDEN ON BANKS.

Also:

SJR 35. COMMENDING JOHN HULETT ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 31. SUPPORTING SENATORS HEFLIN AND SHELBY IN THEIR EFFORT TO REDUCE THE REGULATORY BURDEN ON BANKS.

Also:

SJR 32. CONGRATULATING AND RECOGNIZING ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 36. COMMENDING PRESIDENT GLENDA S. MCGAHA OF TROY STATE UNIVERSITY IN MONTGOMERY.

Also:

SJR 37. COMMENDING BISHOP WILLIAM MILTON SMITH OF MOBILE, ALABAMA.

GREG PAPPAS,
Clerk.

RESOLUTIONS

Senators Langford and Floyd offered the following Senate Joint Resolution, to-wit:

SJR 40. MOURNING THE DEATH OF L. C. PRESLEY OF GADSDEN, ALABAMA.

WHEREAS, it is with profound sorrow and a deep sense of loss that the Alabama Legislature records the death of L. C. Presley of Gadsden, Alabama, on January 10, 1993; and

WHEREAS, a graduate of Alabama State University, L. C. Presley

was a well-loved and highly regarded athletic coach and educator who, at the time of his lamentable death, was serving as a member of the Etowah County Commission, an office he had held since 1986; and

WHEREAS, Mr. Presley also had been elected recently as president of the Alabama Mountain Lakes Association (AMLA), a position he approached with his usual enthusiasm, optimism and vision for the future; he had previously served as vice president of the association during the 1991-92 term, and was a longtime member of AMLA's Executive Committee and Board of Directors; and

WHEREAS, as a man of warm and genial nature who contributed greatly to the Etowah County community, he will be greatly missed by all who were fortunate to have known him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of L. C. Presley of Gadsden, Alabama, and extend our deepest sympathy to his wife, the former Alice Bruce of Montgomery; to his four children; and to other family members for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Owens, Dial, Bolling, and Bedsole offered the following Senate Joint Resolution, to-wit:

SJR 41. CREATING A COMMITTEE TO INVESTIGATE THE MEDICAID CRISIS.

WHEREAS, The Alabama Medicaid Agency has notified providers and medicaid recipients of a shortage of funds, and

WHEREAS, those providers and recipients have contacted their representatives in the Alabama Legislature, and

WHEREAS, Medicaid recipients (especially the elder citizens of this State) who rely on Medicaid funds for essential medical services, and

WHEREAS, the Alabama Legislature has not been sufficiently informed as to the cause and resulting effect of the shortage of funds to the Alabama Medicaid Agency for the fiscal years ending September 30, 1993 and 1994; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legis-

lature establish a committee to work with Governor Guy Hunt and the Alabama Medicaid Agency to determine the cause of any shortfall in state funds to the Alabama Medicaid Agency and to formulate proposals to deal with any determined shortage of funds.

The Committee shall be composed of the Chairman and Deputy Chairman of the Senate Finance and Taxation Committee, the Chairman and Vice-Chairman of the House Committee on Ways and Means, three Senate members appointed by the Lieutenant Governor and three House members appointed by the Speaker of the House of Representatives. The Committee shall report to the Legislature its findings by the fifteenth legislative day.

On motion of Senator Owens, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Denton and Smith (J) offered the following Senate Joint Resolution, to-wit:

SJR 42. COMMENDING MYRA L. WALLACE OF FLORENCE, ALABAMA, ON THE OCCASION OF HER RETIREMENT.

WHEREAS, Myra Wallace of Florence, Alabama, is deserving of highest public recognition for her invaluable contributions and service as Executive Director of the Retired Senior Volunteer Program (RSVP), 1974-1993; and

WHEREAS, since assuming the office some 20 years ago, she has worked diligently and unselfishly on behalf of others, and always toward the improvement and furtherance of the senior volunteer program in Alabama; and

WHEREAS, among numerous of her successful endeavors on behalf of RSVP, was her assistance to the five area communities of Cloverdale, Elgin, Zip City, Central and Underwood Petersville, enabling them to raise funds for the construction of local community centers; and

WHEREAS, Mrs. Wallace, whose professional affiliations include the Alabama Association of Retired Senior Volunteer Directors, Inc., and the regional and national RSVP associations, also has been active in leadership with such civic and community organizations as the American Legion Auxiliary, Alabama Assembly of Volunteerism, Shoals Chapter of the Alabama Federation of Business and Professional Women's Clubs, and Pleasant Hill United Methodist Church, among others; and

WHEREAS, she further has been recognized over the years through such tributes as Outstanding Woman of the Year, Citizen of the

Year, and as the recipient of the "Diana" Award, among other gestures of gratitude for service and accomplishment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of her retirement and in recognition of outstanding service to RSVP and the community, we hereby most highly commend Myra L. Wallace and direct that she receive a copy of this resolution of sincere praise and regard.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Waggoner offered the following Senate Joint Resolution, to-wit:

SJR 43. COMMENDING MARILYN MILLER MORTON OF VESTAVIA HILLS FOR DISTINGUISHED ACHIEVEMENT.

WHEREAS, the Legislature of Alabama most heartily congratulates Marilyn Miller Morton of Vestavia Hills, who has been named to the 1993-94 edition of "Who's Who in the World"; and

WHEREAS, Ms. Morton, executive director of Samford University's Institute of Genealogy and Historical Research, is founding director of the University's British and Irish Institute of Genealogy and Historical Research; and

WHEREAS, in further professional involvement, Ms. Morton leads amateur and professional genealogists on research trips to England, Scotland and Wales each summer; and

WHEREAS, Ms. Morton is most highly regarded by her peers, both amateur and professional genealogists, at home and abroad, and her inclusion in "Who's Who in the World," has brought great honor to Samford University and the State of Alabama, who are justly proud of her accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service, we hereby commend Marilyn Miller Morton of Vestavia Hills, for whom a copy of this resolution of sincere praise and esteem shall be provided.

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Senator Bolling, Chairperson of the Standing Committee on Con-

sumer Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett:

S. 460. Providing for the rights and obligations of innkeepers and guest relating to their ability to pay, obligation of parents for the liability of their minor children, the right of innkeepers to refuse accommodation, maintenance of a guest register, right to eject persons from the premises, and provide for penalties.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Dial, Hale, Barron, Ellis, Bolling, Mitchell, Owens, Dixon, Langford, Bedsole, Lipscomb, and Little:

S. 467. To authorize the Alabama Public School and College Authority to sell and issue two hundred ten million dollars (\$210,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories, physical education facilities and research facilities, including the acquisition of land for colleges and universities, technical colleges, junior colleges, elementary-secondary school systems and other public educational entities; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction

of the Authority for the purposes for which the Bonds are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute) (With Amendments):

H. 223. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 260. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 245. To make an appropriation from the State General Fund to the Alabama Mining Academy for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 249. To make an appropriation from the State General Fund

to the Alabama Mining Museum for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 240. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 285. To repeal Section 8 and amend Section 9 of Act No. 227, H. 605, 1992 Regular Session, relating to an increase in the fees and costs in circuit and district courts; to delete certain provisions relating to the termination of the fee increases; to make an appropriation to the unified judicial system for the trial courts for the fiscal year ending September 30, 1993.

Senator Hale, Chairperson of the Standing Committee on Rules, reported that the following Bills have been returned to the end of the Regular Calendar for today, to-wit:

By Senator Windom:

S. 419. Relating to the George Wallace, Jr., Plan for Linked Deposits; to amend Sections 5-21-2, 5-21-3, 5-21-4, and 5-21-9, Code of Alabama 1975, to expand the plan to include linked deposits to support loans made to qualifying applicants to state sponsored housing assistance programs and to increase the amount of funds available under the plan.

By Senator Windom:

S. 420. To amend Section 11-81-21, Code of Alabama 1975,

relating to investment of municipal or county funds, to permit municipal and county funds to be invested in certain common trust funds, collective investment funds, open-end or closed-end management type investment companies, and investment trusts whose portfolios consist solely of certain specified investments and in repurchase agreements respecting the investments.

By Senator Windom:

S. 427. To authorize the State of Alabama and its agencies, boards, commissions, and departments, and counties, municipalities, county boards of education, city boards of education, and various other political subdivisions, instrumentalities, and public corporations to enter into leases, lease-purchase contracts, installment-purchase contracts, and similar agreements and arrangements; to delineate certain mandatory and optional provisions of the leases, contracts, agreements, and arrangements; to provide the conditions under which the lease contracts, agreements, and arrangements shall be deemed not to create a debt of the lessee or purchaser; to declare certain obligations of the governmental entity and certain rights and remedies of the lessor, grantor, or other comparable party under the leases, contracts, agreements, and arrangements in the event of expiration, cancellation, or termination of the leases, contracts, agreements, or arrangements, including the obligation of the governmental entity to return the subject property; to authorize governmental entities to specify that the leases, contracts, agreements, or arrangements are general obligations of the governmental entity or are limited obligations of the governmental entity payable from a specified source and to secure the leases, contracts, agreements, and arrangements with pledges by governmental entities of taxes levied by the governmental entity, payments in-lieu-of-taxes paid or payable to the governmental entity, taxes apportioned and paid to the governmental entity, income from the investment of moneys lawfully held by the governmental entity, and revenues from revenue-producing properties in order to secure the leases, contracts, agreements, or arrangements; to declare that the leases, contracts, agreements, and arrangements constitute the exercise by the governmental entities of their borrowing power and constitute evidences of indebtedness under Section 8-8-7, Code of Alabama 1975, establishing exemptions from usury and similar laws for the bonds, notes, warrants, other evidences of indebtedness, or securities of specified governmental entities; to provide that the leases, contracts, agreements, and arrangements are legal and authorized investments for banks, municipal loan associations, insurance companies, fiduciaries, and trustees; to provide that the act is declaratory of existing law; and to repeal Section 11-80-8, Code of Alabama 1975.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 44. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Tenth Legislative day only.

	Page
S. 311	90
State Employees, pay raise	
S. 188	29
Alabama Kidney Foundation, Inc., approp.	
S. 259	25
Chiropractors, liability limited for first aid or emergency care at accident or disaster, Sec. 6-5-332 am'd.	
S. 123	17
Alcoholic beverages, definition of minor alt., offenses related to underaged persons, provided further, Sec. 28-3A-25 am'd.	
S. 346	92
Employees' Retirement System, cert. local employees auth. to join, Sec. 36-27-6 am'd.	
S. 138	6
Court Automation Fund, may charge entities outside the Unified Judicial System for accessing the Judicial Information System and providing forms and other publications, Act 92-677, 2nd Sp. Sess. 1992 am'd.	
S. 420	72
Municipal or co. funds auth. to be invested in cert. funds, Sec. 11-81-21 am'd.	
S. 177	31
Juvenile proceedings, multiple needs child provided for, Secs. 12-15-1, 12-15-33, 12-15-65, 12-15-71 am'd.	
S. 230	59
Child Nutrition Law estab., bds. of ed. to furnish breakfasts and lunch to cert. students	
S. 155	6
Early intervention services for infants and toddlers with disabilities, estab.	
S. 202	27
Rural hospitals, exempt from certificate of need review	

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condition re offering of cert. new services, Sec. 22-21-263 am'd.

H. 301 99

Surplus of Confederate soldiers' pensions to be approp. to veterans' nursing homes in Bay Minette and Huntsville, Sec. 38-4-12, am'd.

H. 88 97

Veterans' nursing homes, subject to certificate of need procedure, exception for cert. homes, Secs. 22-21-260, 22-21-277 am'd.

H. 87 97

Veterans' Affairs Dept., approp.

S. 136 15

Fair housing law, discrimination prohib., Act 91-659, Reg. Sess. 1991 am'd.

S. 404 66

Public schools, supp. approp. for 1992-93 fiscal yr.

S. 429 100

Deceptive Trade Practices Act, regulating promotional giveaways, campground membership, career consult firms, loanbrokers, health spas, and odometers, Secs. 8-19-3, 8-19-5, 8-19-6, 8-19-8, am'd.

S. 245 40

Local gov't. contracts for cert. computer equipment and printing services, exempted from competitive bids, Sec. 41-16-51 am'd.

S. 437 96

Insecticides and fungicides, cert., sales and use tax exempt, Sec. 40-23-4 am'd.

S. 94 56

Parents failing to compel child to enroll or attend school or properly conduct himself, principal and supt. of ed. req. to report, penalties, local bds. of ed. to estab. progs. to educate parents re responsibilities, Sec. 16-28-12 am'd.

S. 95 56

Commission on Higher Education, auth. to appt. committee to improve postsecondary ed. participation and high school retention, contract to create center to estab. communication network

S. 96	57
Vocational education curriculum req. of cert. students, graduation exam to test 12th grade skill level, Sec. 16-3-18.3 am'd.	
S. 97	58
Boards of ed., req. to instruct cert. students re parental responsibilities, importance of an education, and how to study	
S. 98	58
Boards of ed., may estab. volunteer tutorial progs., Sec. 16-3-18.2 am'd.	
S. 109	33
Prisoners sentenced for less than life terms, civil disabilities and operation of statute of limitations removed for cert. civil actions and other prop. rts., Sec. 6-2-8 am'd.	
S. 286	19
Administration of a decedent's estate, personal representatives, duties and powers provided, Secs. 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, 43-2-316 repealed	
S. 219	34
Child abuse, crime of sexual torture estab.	
S. 223	26
Prisoners in mun., co., or st. facilities, testing re sexually transmitted disease, victim of sex offense may obtain HIV test results, Sec. 22-11A-17 am'd.	
S. 135	7
Aviation Hall of Fame, successor terms for membs. of bd., Sec. 41-9-721 am'd.	
S. 427	73
Leases, lease-purchase agreements, installment contracts, cos., muns., local bds. of ed., may develop authorities, bonds, sale auth.	
S. 210	15
Motor Vehicle Safety Responsibility Act, proof of financial responsibility after accident, min. insured or security, Secs. 32-7-2, 32-7-8, 32-7-22, 32-7-27 am'd., Sec. 32-7-39 repealed	
S. 265	14
Liquefied Petroleum Gas Bd., vacancies, notification of work	

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on gas systems, research and ed. committee, research and ed. fund, Secs. 9-17-100, 9-17-104, 9-17-109, 9-17-110 am'd.

S. 235 11
Veterinarians, advertisements and solicitation to public reg.

S. 258 26
Radiation Advisory Bd., veterinarian incl., Sec. 22-14-5 am'd.

S. 16 85
National Guard, add'l. educational benefits

S. 419 72
State funds, incl. housing assistance progs. in Wallace Plan for Linked Deposits, Secs. 5-21-2, 5-21-3, 5-21-4, 5-21-9 am'd.

S. 4 4
Small Business Incubator Act, approp.

S. 299 38
Motor vehicle tags, veterans and armed forces reservists, distinc. tags auth., fees, Sec. 32-6-150 am'd.

S. 208 61
Rental prop. and leasing of private prop., cos. and muns. prohib. from enacting price controls, retroactive effect

S. 15 32
Criminal storage of firearms, 1st and 2nd degrees defined, penalties, licensing procedure, Parental Adult Firearms Responsibility Act estab.

S. 133 71
Legislature, limitation on terms, consti. amend.

S. 308 42
Elections, holding of, notice, designation of voting places, installation and maintenance of voting machines, Secs. 11-46-5, 11-46-22, 11-46-24, and 17-9-4 amd.

S. 373 50
Family violence protection order enforcement provided

S. 272 89
Sports Hall of Fame, officers and employees eligible for

membership in Teachers' Retirement System, purchase of past service credit auth.

S. 178 51
Prisoners, may have cert. voting rts. reinstated upon completion of sentence and if other conditions are met, firearm privileges excluded, Sec. 17-3-10 repealed

S. 162 19
Abandoned mines, reclamation funds deadline extended to Nov. 5, 1990, Secs. 9-16-12, 9-16-124 am'd.

Senator Parsons offered the following substitute for the Resolution, SR 44, to-wit:

SUBSTITUTE FOR SR 44

SR 44. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Tenth Legislative day only.

	Page
Election Senate Ethics Committee	
S. 311 State Employees, pay raise	90
S. 188 Alabama Kidney Foundation, Inc., approp.	29
S. 259 Chiropractors, liability limited for first aid or emergency care at accident or disaster, Sec. 6-5-332 am'd.	25
S. 123 Alcoholic beverages, definition of minor alt., offenses related to underaged persons, provided further, Sec. 28-3A-25 am'd.	17
S. 346 Employees' Retirement System, cert. local employees auth. to join, Sec. 36-27-6 am'd.	92
S. 138 Court Automation Fund, may charge entities outside the Unified Judicial System for accessing the Judicial Informa-	6

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tion System and providing forms and other publications, Act 92-677, 2nd Sp. Sess. 1992 am'd.

S. 420 72

Municipal or co. funds auth. to be invested in cert. funds, Sec. 11-81-21 am'd.

S. 177 31

Juvenile proceedings, multiple needs child provided for, Secs. 12-15-1, 12-15-33, 12-15-65, 12-15-71 am'd.

S. 230 59

Child Nutrition Law estab., bds. of ed. to furnish breakfasts and lunch to cert. students

S. 155 6

Early intervention services for infants and toddlers with disabilities, estab.

S. 202 27

Rural hospitals, exempt from certificate of need review condition re offering of cert. new services, Sec. 22-21-263 am'd.

H. 301 99

Surplus of Confederate soldiers' pensions to be approp. to veterans' nursing homes in Bay Minette and Huntsville, Sec. 38-4-12, am'd.

H. 88 97

Veterans' nursing homes, subject to certificate of need procedure, exception for cert. homes, Secs. 22-21-260, 22-21-277 am'd.

H. 87 97

Veterans' Affairs Dept., approp.

S. 136 15

Fair housing law, discrimination prohib., Act 91-659, Reg. Sess. 1991 am'd.

S. 404 66

Public schools, supp. approp. for 1992-93 fiscal yr.

S. 429 100

Deceptive Trade Practices Act, regulating promotional giveaways, campground membership, career consult firms, loanbrokers, health spas, and odometers, Secs. 8-19-3, 8-19-5, 8-19-6, 8-19-8, am'd.

S. 245	40
Local gov't. contracts for cert. computer equipment and printing services, exempted from competitive bids, Sec. 41-16-51 am'd.	
S. 437	96
Insecticides and fungicides, cert., sales and use tax exempt, Sec. 40-23-4 am'd.	
S. 94	56
Parents failing to compel child to enroll or attend school or properly conduct himself, principal and supt. of ed. req. to report, penalties, local bds. of ed. to estab. progs. to educate parents re responsibilities, Sec. 16-28-12 am'd.	
S. 95	56
Commission on Higher Education, auth. to appt. committee to improve postsecondary ed. participation and high school retention, contract to create center to estab. communication network	
S. 96	57
Vocational education curriculum req. of cert. students, graduation exam to test 12th grade skill level, Sec. 16-3-18.3 am'd.	
S. 97	58
Boards of ed., req. to instruct cert. students re parental responsibilities, importance of an education, and how to study	
S. 98	58
Boards of ed., may estab. volunteer tutorial progs., Sec. 16-3-18.2 am'd.	
S. 109	33
Prisoners sentenced for less than life terms, civil disabilities and operation of statute of limitations removed for cert. civil actions and other prop. rts., Sec. 6-2-8 am'd.	
S. 286	19
Administration of a decedent's estate, personal representatives, duties and powers provided, Secs. 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, 43-2-316 repealed	
S. 219	34
Child abuse, crime of sexual torture estab.	
S. 223	26
Prisoners in mun., co., or st. facilities, testing re sexually	

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transmitted disease, victim of sex offense may obtain HIV test results, Sec. 22-11A-17 am'd.

S. 135 7

Aviation Hall of Fame, successor terms for membs. of bd., Sec. 41-9-721 am'd.

S. 427 73

Leases, lease-purchase agreements, installment contracts, cos., muns., local bds. of ed., may develop authorities, bonds, sale auth.

S. 210 15

Motor Vehicle Safety Responsibility Act, proof of financial responsibility after accident, min. insured or security, Secs. 32-7-2, 32-7-8, 32-7-22, 32-7-27 am'd., Sec. 32-7-39 repealed

S. 265 14

Liquefied Petroleum Gas Bd., vacancies, notification of work on gas systems, research and ed. committee, research and ed. fund, Secs. 9-17-100, 9-17-104, 9-17-109, 9-17-110 am'd.

S. 235 11

Veterinarians, advertisements and solicitation to public reg.

S. 258 26

Radiation Advisory Bd., veterinarian incl., Sec. 22-14-5 am'd.

S. 16 85

National Guard, add'l. educational benefits

S. 419 72

State funds, incl. housing assistance progs. in Wallace Plan for Linked Deposits, Secs. 5-21-2, 5-21-3, 5-21-4, 5-21-9 am'd.

S. 4 4

Small Business Incubator Act, approp.

S. 299 38

Motor vehicle tags, veterans and armed forces reservists, distinc. tags auth., fees, Sec. 32-6-150 am'd.

S. 208 61

Rental prop. and leasing of private prop., cos. and muns.

prohib. from enacting price controls, retroactive effect

S. 15	32
Criminal storage of firearms, 1st and 2nd degrees defined, penalties, licensing procedure, Parental Adult Firearms Responsibility Act estab.	
S. 133	71
Legislature, limitation on terms, consti. amend.	
S. 308	42
Elections, holding of, notice, designation of voting places, installation and maintenance of voting machines, Secs. 11-46-5, 11-46-22, 11-46-24, and 17-9-4 amd.	
S. 373	50
Family violence protection order enforcement provided	
S. 272	89
Sports Hall of Fame, officers and employees eligible for membership in Teachers' Retirement System, purchase of past service credit auth.	
S. 178	51
Prisoners, may have cert. voting rts. reinstated upon completion of sentence and if other conditions are met, firearm privileges excluded, Sec. 17-3-10 repealed	
S. 162	19
Abandoned mines, reclamation funds deadline extended to Nov. 5, 1990, Secs. 9-16-12, 9-16-124 am'd.	

Which was adopted.

And on motion of Senator Hale, said Resolution, SR 44, as amended by the substitute, was adopted.

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the election of the Senate Ethics and Conduct Committee, pursuant to the provisions of SR 29, 1992 Regular Session.

On motion of Senator Parsons, the Rules were suspended and further consideration of the election of the Senate Ethics and Conduct Committee was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., SB 311, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -28

Nays:

- 0

BILLS ON THIRD READING

THE BILL:

S. 311. To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal year beginning October 1, 1993.

was taken up.

Senator Parsons offered the following amendment to the Bill, SB 311, to-wit:

AMENDMENT TO SB 311

Amend Senate Bill 311 on page 1, lines 10 and 18 after "1993" by adding the following:

"and appropriates the Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress together with any accruals or reversions."

Further amend on page 3, line 19 after the period by adding:

"There is hereby appropriated all funds within the Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress together with any accruals or reversions for the provisions of this Act."

Further amend on page 3, line 19 after the word "The" by adding "additional"

On motion of Senator Horn, said amendment was laid on the table.

Senator Parsons then offered the following amendment No. 2, to the Bill, SB 311, to-wit:

AMENDMENT NO. 2 TO SB 311

Amend Senate Bill 311 on page 1, lines 10 and 18 after "1993" by adding the following:

"and appropriates the Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress together with any accruals or reversions."

Further amend on page 3, line 19 after the period by adding:

"There is hereby appropriated all funds within the Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress together with any accruals or reversions for the provisions of this Act."

Further amend on page 3, line 19 after the word "The" by adding "additional unfunded"

On motion of Senator Horn, said amendment was laid on the table.

Yeas 20 Nays 10

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, Denton, Dial, Dixon, Foshee, Hale, Horn, Langford, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, and Windom -20

Nays:

Senators:

Amari, deGraffenried, Figures, Floyd, Ghee, Hill, Lindsey, Lipscomb, Little, and Parsons -10

And said Bill, SB 311, was read a third time at length and passed and ordered sent forthwith to the House.

Yeas 25 Nays 4

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Windom -25

Nays:

Senators:

Barron, Dial, Hill, and Waggoner

- 4

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 31. SUPPORTING SENATORS HEFLIN AND SHELBY IN THEIR EFFORT TO REDUCE THE REGULATORY BURDEN ON BANKS.

Also:

SJR 32. CONGRATULATING AND RECOGNIZING ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

Also:

SJR 34. URGING THE UNITED STATES CONGRESS TO TAKE ALL NECESSARY AND APPROPRIATE ACTION TO REDUCE THE REGULATORY BURDEN ON BANKS.

Also:

SJR 35. COMMENDING JOHN HULETT ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

Also:

SJR 37. COMMENDING BISHOP WILLIAM MILTON SMITH OF MOBILE, ALABAMA.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

SJR 36. COMMENDING PRESIDENT GLENDA S. MCGAHA OF TROY STATE UNIVERSITY IN MONTGOMERY.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B.I.R., SB 188, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 188. To make an appropriation from the State General Fund to the Alabama Kidney Foundation Incorporated, for the fiscal year ending September 30, 1994, and to require an operation plan and audited financial statement prior to release of any funds.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, SB 188, to-wit:

AMENDMENT TO SB 188

Amend Senate Bill 188, on Page 1, Line 27, as follows:

By adding a new Section 2 and renumbering the following sections accordingly.

"Section 2. Provided, however, the funds must be used for dialysis transportation. Any funds in excess of those necessary for dialysis transportation will be automatically repaid or subtracted from subsequent appropriations."

On motion of Senator Bennett, said amendment was laid on the table.

Senator Bennett then offered the following substitute for the Bill, SB 188, to-wit:

SUBSTITUTE FOR SB 188

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation from the State General Fund to the Alabama Kidney Foundation Incorporated, for the fiscal year ending September 30, 1994, and to require an operation plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For fiscal year ending September 30, 1994, there is hereby appropriated to the Alabama Kidney Foundation from the State General Fund the sum of five hundred thousand dollars (\$500,000).

Section 2. The funds appropriated by this act shall be used for transportation services for kidney dialysis and kidney transplant patients. Any funds in excess of those necessary for transportation services for kidney patients shall be automatically repaid or subtracted from subsequent appropriations.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of the Department of Finance.

This act shall become effective October 1, 1993, after its passage and approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 24 Nays 0
Abstaining 1

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Figures, Floyd, Ghee, Hill, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -24

Nays:

- 0

Abstaining: Senator Little

- 1

And said Bill, SB 188, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26 Nays 0

Abstaining 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Figures, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom -26

Nays:

- 0

Abstaining: Senator Little

- 1

BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., SB 259, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 259. To amend Section 6-5-332 of the Code of Alabama 1975, to include chiropractors in the list of persons who would not be

liable for first aid or emergency care at the scene of an accident, casualty, or disaster.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dixon, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -26

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B.I.R., SB 123, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 123. To amend Section 28-3A-25, Code of Alabama 1975, to provide further for unlawful acts, offenses, and penalties affecting certain persons under the alcoholic beverage licensing code.

was taken up.

Senator Lindsey offered the following amendment to the Bill, SB 123, to-wit:

AMENDMENT TO SB 123

On page 8, line 12, delete the word "shall" and insert in lieu thereof the word:

"may"

Which was adopted.

Yeas 21 Nays 3

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Parsons, Sanders, Waggoner, and Windom -21

Nays:

Senators:

Bailey, Owens, and Smith (J) - 3

Senator Bedsole offered the following amendment to the Bill, SB 123, as amended, to-wit:

AMENDMENT TO SB 123, AS AMENDED

Amend SB 123, as amended, Page 8 Line 13, as follows:

Delete the words "three months" and substitute the words "thirty days (30)" therefor.

Which was adopted.

Yeas 21 Nays 4

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Figures, Floyd, Foshee, Hale, Hill, Langford, Lindsey, Little, Mitchem, Parsons, Sanders, Waggoner, and Windom -21

Nays:

Senators:

Bailey, Lipscomb, Owens, and Smith (J) - 4

Senator Parsons offered the following amendment to the Bill, SB 123, as amended, to-wit:

AMENDMENT TO SB 123, AS AMENDED

On page 6, line 22, delete the comma after the word "agent".

Which was adopted.

Yeas 21 Nays 3

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, deGraffenried, Denton,

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Dial, Figures, Foshee, Ghee, Hale, Hill, Langford, Lipscomb, Little, Parsons, Sanders, Smith (J), Waggoner, and Windom -21

Nays:

Senators:

Floyd, Lindsey, and Owens - 3

And said Bill, SB 123, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -26

Nays: - 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 188. To make an appropriation from the State General Fund to the Alabama Kidney Foundation Incorporated, for the fiscal year ending September 30, 1994, and to require an operation plan and audited financial statement prior to release of any funds.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Amari, B.I.R., SB 346, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 346. To amend Section 36-27-6, Code of Alabama 1975, to prescribe terms and conditions whereby certain employees of state or county agencies and departments may become members of the Employees' Retirement System of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 1

Yeas:

Senators:

Amari, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Figures, Floyd, Ghee, Hill, Langford, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), and Waggoner -22

Nay: Senator Windom

- 1

Senator Parsons moved that the Senate reconsider the vote by which the Bill, SB 346, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., SB 138, adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), and Windom -22

Nay: Senator Amari

- 1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 138. To amend the title and Section 2 of Act 92-677, H. 29, 1992 Second Special Session, to provide further for the use and dissemination of data maintained in the state judicial information system; to provide for the recoupment of costs for accessing and using the judicial information system and for printing, publication, and distribution of

court forms, manuals, pamphlets, and informational materials supplied to individuals, corporations, partnerships, and governmental agencies and departments which are not part of the unified judicial system; and to provide that the proceeds collected from the recoupment of costs shall be deposited in the Court Automation Fund.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Figures, Ghee, Hale, Hill, Langford, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, and Windom
-19

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 420, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bennett, Bolling, deGraffenried, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchem, Sanders, Smith (J), Waggoner, and Windom
-18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 420. To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, to permit municipal and county funds to be invested in certain common trust funds, collective investment funds, open-end or closed-end management type investment companies, and investment trusts whose portfolios consist solely of certain specified investments and in repurchase agreements respecting the investments.

was taken up.

Senator Windom offered the following substitute for the Bill, SB 420, to-wit:

SUBSTITUTE FOR SB 420

A BILL
TO BE ENTITLED
AN ACT

To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain common trust funds, collective investment funds, open-end or closed-end management type investment companies and investment trusts whose portfolios consist solely of certain specified investments and in repurchase agreements respecting such investments; to delete reference to the Federal Savings and Loan Insurance Corporation and add references to the Bank Insurance Fund and Savings Association Insurance Fund; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-81-21 of the Code of Alabama 1975 is hereby amended to read as follows:

"§11-81-21.

"Any municipal funds or county funds not presently needed for other purposes may be invested in any obligations in which sinking funds are now authorized to be invested, pursuant to section 11-81-19, and in addition in any of the following:

"(1) Direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America;

"(2) Obligations of any of the following federal agencies, which obligations represent the full faith and credit of the United States of America:

"a. Farmers Home Administration,

"b. General Services Administration,

"c. U.S. Maritime Administration,

"d. Small Business Administration,

"e. Government National Mortgage Association (GNMA),

"f. U.S. Department of Housing and Urban Development (HUD), and

"g. Federal Housing Administration (FHA);

"(3) U.S. dollar denominated deposit accounts and certificates of deposit with banks or savings institutions organized under the laws of the United States or any state thereof in amounts which are fully insured to the holder (now up to the \$100,000 maximum coverage) by the Federal Deposit Insurance Corporation ~~or by the Federal Savings and Loan Insurance Corporation~~, including, without limitation, the Bank Insurance Fund or Savings Association Insurance Fund ("insured deposits"), and in amounts in excess of the insured deposits provided that all amounts in excess of the insured deposits shall be secured at all times by a perfected lien or security interest in pledged collateral of the same type and with the same limitations as may be pledged to secure deposits of the state of Alabama. The pledged collateral shall be deposited exclusively for the purpose of such pledge, with and held by a trust department of a bank organized under the laws of this state or under the laws of the United States having their principal place of business in this state which may be the same bank as holds the deposit, or a federal reserve bank or branch thereof or a federal home loan bank serving savings institutions located in this state or deposited for safekeeping with any third party bank, trust company or savings and loan association organized either under the laws of the state of Alabama or of the United States having their principal place of business in this state;

"(4) Pre-refunded public obligations, defined as follows:

"Any bonds or other obligations of any state of the United States of America or of any agency, instrumentality or local governmental unit of any such state (i) which are not callable at the option of the obligor prior to maturity or as to which irrevocable notice has been given by the obligor to call on the date specified in the notice, and (ii) which are fully secured as to principal and interest and redemption premium, if any, by a fund consisting only of cash or obligations described in subdivision (1) above, which fund may be applied only to the payment of such principal of and interest and redemption premium, if any, on such bonds or other obligations on the maturity date or dates thereof or the specified redemption date or dates pursuant to such irrevocable instructions, as appropriate, and (iii) which fund is sufficient, as verified by an independent certified public accountant, to pay principal of and interest and redemption, if any, on the bonds or other obligations described in this paragraph on the maturity date or dates thereof or on the redemption date or dates specified in the irrevocable instructions referred to in subclause (i) of this paragraph, as appropriate, and (iv) which are rated, based on the escrow, in the highest rating category of Standard & Poor's Corporation and Moody's Investors Service, Inc., or any successors thereto; and

"(5) Interests, however evidenced, in any common trust fund or other collective investment fund maintained by any national or state chartered bank, trust company or savings and loan association having trust powers, or securities of or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, as from time to time amended, so long as ~~the portfolio of such common trust fund, collective investment fund or investment company or investment trust consists only of~~ all of the following requirements are met at the time of purchase and during the term of the investment: (i) at least 65% of the portfolio of such common trust fund, collective investment fund or investment company or investment trust must consist of investments authorized in subdivisions (1), (2), (3) or (4) above, or repurchase agreements with respect to such investments and (ii) the remainder of the portfolio (if any, but not more than 35%) may consist only of the following investments: (x) obligations issued or guaranteed by the following agencies: Federal National Mortgage Association (FNMA), Federal Home Loan Mortgage Corporation (FHLMC), including FNMA and FHLMC participation certificates, Federal Land Banks, Central Bank for Cooperatives, Federal Intermediate Credit Banks, Student Loan Marketing Association, and Federal Home Loan Banks, (y) mortgage related securities (as that term is defined in section 3(a) (41) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a) (41)), or (z) repurchase agreements fully collateralized by obligations, securities or investments otherwise authorized under subdivisions 5(i) - (ii), so long as the common trust fund, collective investment fund, investment company or investment trust takes possession and delivery of the collateral for any repurchase agreement either directly or through an authorized custodian. The fact that any financial institution making such investment on behalf of the municipality or county, or any affiliate of such financial institution, is providing services to the investment company or investment trust as an investment advisor, sponsor, distributor, custodian, transfer agent, registrar, or otherwise, and is receiving reasonable remuneration for such services, shall not preclude such institution from making the investment in the securities of such investment company or investment trust; provided, however, that with respect to any account for municipal funds or county funds to which fees are charged for such services, the said financial institution shall disclose (by prospectus, account statement or otherwise) to the beneficiary of such account or to any third party directing investments the basis (expressed as a percentage of asset value or otherwise) upon which the fee is calculated.

"The terms "municipal funds" and "county funds" as used in this section shall include all general, special, permanent, trust and other funds, regardless of source or purpose, held or administered by any county, city or town, or by any officer or agency thereof, in the state of Alabama.

"Investments of municipal funds or county funds shall be made by the officer or agency controlling their disposition. Such county, city or town, or official or agency thereof, may at any time sell such obligations purchased pursuant to this section, and the money received from such sale and the interest and profits on such investment shall be credited to the fund from which the investment was made. Any such obligation may be deposited for safekeeping with any bank, trust company or savings and loan association organized either under the laws of the state of Alabama or of the United States."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 3. All laws or parts of laws which conflict with this act are hereby amended or repealed to the extent of such conflict as necessary to permit the full effectiveness of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bennett, Bolling, deGraffenried, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Sanders, Smith (B), Smith (J), Waggoner, and Windom -21

Nays: - 0

And said Bill, SB 420, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Sanders, Smith (B), Smith (J), and Windom -23

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., SB 177, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Sanders, Smith (B), Smith (J), and Windom -22

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 177. To amend Sections 12-15-1, 12-15-33, 12-15-65, and 12-15-71, Code of Alabama 1975, relating to the Juvenile Justice Act to provide further for the multiple needs child; to provide for the transfer of certain cases to the juvenile court from other courts; to provide for the proceeding to allow withdrawal from school; to create the Alabama Children's Services Facilitation Team and a county children's services facilitation team in each county; to create the State Multiple Needs Children Fund; and to make appropriations from the State General Fund and the Alabama Special Educational Trust Fund to the State Multiple Needs Children Fund.

was taken up.

The Standing Committee on Judiciary/Criminal Justice and Public Safety reported the following amendment to the Bill, SB 177, to-wit:

AMENDMENT TO SB 177

Amend Senate Bill 177, page 1, on line 24 by placing a period after the word "Fund" and deleting the remainder of the sentence on lines 24-29.

Further amend Senate Bill 177, page 2, on line 12, by placing a period after the word "Fund" and deleting the remainder of the sentence on lines 12-14.

Further amend Senate Bill 177, page 29, by deleting Section 8 in its entirety, on lines 4-10, and renumbering all subsequent sections.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Floyd,

Foshee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Sanders, Smith (B), Smith (J), Waggoner, and Windom -22

Nays: - 0

And said Bill, SB 177, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -26

Nays: - 0

FURTHER CONSIDERATION OF SB 230

The Senate proceeded to further consideration of the Bill:

S. 230. To establish the "Alabama Child Nutrition Law"; to require local boards of education to establish school breakfast and lunch programs beginning with the 1994-95 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

as amended, which said amendments are set out in the Journal of the Senate for the Ninth Legislative Day.

Senator Little offered the following amendment to the Bill, SB 230, as amended, to-wit:

AMENDMENT TO SB 230, AS AMENDED

Amend SB 230, as amended, on Page 2, Line 23 by placing a period "." after the word "students" and striking the remainder of the sentence.

Further amend on Page 4, Line 16 by placing a period "." after the word "students" and striking the remainder of the sentence.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial,

Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), and Windom -26

Nays: - 0

Senator Dial offered the following amendment to the Bill, SB 230, as amended, to-wit:

AMENDMENT TO SB 230, AS AMENDED

On page 2, line 30, after the word "required," beginning with the word "Nothing" delete all language in the last sentence of Section 5.

Which was adopted.

Yeas 21 Nays 4

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), and Waggoner -21

Nays:

Senators:

Figures, Langford, Parsons, and Sanders - 4

Senator Dial then offered the following amendment No. 2 to the Bill, SB 230, as amended, to-wit:

AMENDMENT NO. 2 TO SB 230, AS AMENDED

Amend SB 230, as amended, on page 4 line 12

strike: "substantially"

Which was lost.

Yeas 11 Nays 17

Yeas:

Senators:

Barron, Bedsole, Bolling, deGraffenried, Dial, Floyd, Hale, Hill, Owens, Parsons, and Smith (B) -11

Nays:

Senators:

Bailey, Bennett, Campbell, Corbett, Denton, Figures, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Sanders, Smith (J), and Waggoner -17

Senator Dial then offered the following amendment No. 3 to the Bill, SB 230, as amended, to-wit:

AMENDMENT NO. 3 TO SB 230, AS AMENDED

Amend Senate Bill No. 230, as amended, on Page 5, by adding a new Section 9 and renumber subsequent sections accordingly:

Section 9. A school board may elect not to participate in the "Alabama Child Nutrition Law" by conducting a public hearing at an announced board meeting after notification in the local news paper. Notice shall read:

The _____ Board of Education will conduct a public hearing to determine if they should or should not participate in the "Alabama Child Nutrition Law." This hearing will be conducted at _____ on _____. Your comments may be mailed to the _____ Board at _____. All written comments must be reviewed prior to the announced meeting.

On motion of Senator Little, said amendment was laid on the table.

Yeas 19 Nays 8

Yeas:

Senators:

Bailey, Bedsole, Bennett, Campbell, Corbett, Denton, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Sanders, Smith (J), Waggoner, and Windom -19

Nays:

Senators:

Barron, Bolling, deGraffenried, Dial, Hill, Lipscomb, Owens, and Smith (B) - 8

And said Bill, SB 230, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom -30

Nay: Senator Dial

- 1

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 177. To amend Sections 12-15-1, 12-15-33, 12-15-65, and 12-15-71, Code of Alabama 1975, relating to the Juvenile Justice Act to provide further for the multiple needs child; to provide for the transfer of certain cases to the juvenile court from other courts; to provide for the proceeding to allow withdrawal from school; to create the Alabama Children's Services Facilitation Team and a county children's services facilitation team in each county; to create the State Multiple Needs Children Fund.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 123. To amend Section 28-3A-25, Code of Alabama 1975, to provide further for unlawful acts, offenses, and penalties affecting certain persons under the alcoholic beverage licensing code.

DON HALE,
Chairperson.

POINT OF PERSONAL PRIVILEGE

Senator Campbell requested and received unanimous consent for the following statement to be spread upon the Journal:

Please spread upon the Journal my concern at being recorded as not voting on the State employees pay raise bill, SB 311, on March 2, 1993. The Journal reflects my vote of "Yea" on the BIR and I was present when the vote was taken on the passage of the Bill. It was my intent, and I fully believe that I voted in the affirmative on this matter.

I fully realize that it is sometimes quite difficult to hear on the floor and I am not blaming anyone for the error. I simply want my position to be known.

BUDGET ISOLATION RESOLUTION

Senator Waggoner, B.I.R., SB 155, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 155. To establish a program to provide early intervention services for infants and toddlers with disabilities and their families.

was taken up.

The Standing Committee on Governmental Affairs/State Administration reported the following amendment to the Bill, SB 155, to-wit:

AMENDMENT TO SB 155

Amend SB 155 on page 12, Section 12, line 12, as follows:

Delete "This act shall be implemented to the extent that appropriations are made for this purpose."

Insert the following:

"Any and all mandates contained in the provisions of this Act shall be mandated only to the extent that funds are appropriated or otherwise made available for the purposes of implementing such mandate."

Senator Waggoner offered the following amendment to the Committee amendment, for the Bill, SB 155, to-wit:

AMENDMENT TO AMENDMENT TO SB 155

Amend the amendment to Senate Bill No. 155, by striking out

"or otherwise made available for the purposes of implementing such mandate"

Which was adopted.

And said Committee amendment, as amended, was then adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, and Windom -27

Nays:

- 0

And said Bill, SB 155, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Smith (B), Smith (J), Waggoner, and Windom -25

Nays:

- 0

ADJOURNMENT

At 5:10 P.M., on motion of Senator Foshee, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, March 4, 1993, at 10 o'clock A.M.

ELEVENTH LEGISLATIVE DAY

THURSDAY, MARCH 4, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Bobby Denton, First Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Catherine Walsh, Baldwin Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-33

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Ellis for today.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 9, 1993, at 2 o'clock P.M., which motion was adopted.

RESOLUTION

Senator Parsons offered the following Senate Joint Resolution, to-wit:

SJR 45. RELATIVE TO THE ACCESSIBILITY OF THE ALABAMA STATE HOUSE AND NOTIFICATION OF MEETINGS OF CONFERENCE COMMITTEES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we request that all exterior doors to the Alabama State House shall remain unlocked during all times the Legislature is in session. Failure to keep the doors unlocked and accessible during those times shall result in further legislative action which may include the loss of one day's salary for the Director of Finance.

BE IT FURTHER RESOLVED, That any Committee on Conference appointed to reconcile the differences on pending legislation between the two houses of the Alabama Legislature shall not meet or take any action until one hour after written notification of the time and room location where the Committee on Conference will meet is served on each member of the Legislature or is placed in each member's office or mailbox. No member of a Committee on Conference which meets without the written notice of the meeting required by this resolution may receive the expense allowance for the day of the meeting.

Which was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 420. To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain common trust funds, collective investment funds, open-end or closed-end management type investment companies and investment trusts whose portfolios consist solely of certain specified investments and in repurchase agreements respecting such investments; to delete reference to the Federal Savings and Loan Insurance Corporation and add references to the Bank Insurance Fund and Savings Association Insurance Fund; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 230. To establish the "Alabama Child Nutrition Law"; to require local boards of education to establish school breakfast and lunch programs beginning with the 1994-95 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 155. To establish a program to provide early intervention services for infants and toddlers with disabilities and their families.

DON HALE,
Chairperson.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 482. Relating to the execution of contracts for the construction of public works and public improvements; to amend Sections 39-2-2, 39-2-3, 39-2-9, and 39-2-12, Code of Alabama 1975, relating to competitive bids on public contracts; to increase the amount requiring formal advertising and bids; to eliminate the five dollar proposal fee; to provide for the fee and deposits for plans and specifications; to increase the maximum amount for bid bonds; to extend the period of time allowed for approval of the bond and execution of the contract; and to allow payment for materials suitably stored off the job site.

Committee on Governmental
Affairs/Local Government

By Senator Waggoner:

S. 483. To amend subsection (f) of Amendment No. 386 of the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by non-profit organizations for charitable and educational purposes, to further provide that the amounts of prizes shall not exceed the amounts set by local law.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senators Corbett, Campbell, Parsons, Floyd, Wilson, Horn, Windom, Denton, Bennett, Ghee, Lindsey, Waggoner, Figures, and Foshee:

S. 484. To create the Alabama Industrial Development Training Institute Board of Trustees to supervise the activities of the institute and to appoint its director.

Committee on Economic Affairs

By Senator Bennett:

S. 485. Proposing an Amendment to the Constitution of Alabama of 1901, to levy a minimum local ad valorem tax for school pur-

poses in each school district in the state, to provide for an exception from the levy of such tax for certain school districts, and to provide a procedure to further increase local ad valorem taxes in school districts; to levy a special public school equalization tax on all taxable property in the state, to create the public school equalization fund, to require the deposit of the proceeds from such tax into such fund, and to provide for the distribution of such proceeds to the poorer public school districts in the state pursuant to the terms of legislative act; and proposing an Amendment to Section 217, as amended by Amendment No. 373 of the Constitution of Alabama of 1901, to provide for the assessment of all property in three classifications and for the change in the ad valorem tax assessment ratios applicable to property of utilities and residential rental property, to provide a procedure by which there would not be a loss of ad valorem tax revenue for a period of 10 years as a result of reclassifying public utility and residential rental property, and to provide for homestead and other exemptions.

Committee on Finance
and Taxation

The above Bill was read a first time at length as required by the Constitution.

By Senator Langford:

S. 486. To provide for the reapportionment of the House of Representatives of the Alabama legislature based upon the 1990 census.

Committee on Rules

By Senator Langford:

S. 487. To provide for the reapportionment of the two houses of the Alabama legislature based upon the 1990 census.

Committee on Rules

By Senator Langford:

S. 488. To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

Committee on Rules

By Senators Little and Corbett:

S. 489. Relating to insurance, to provide further for the qualifications of property and casualty insurance agents by requiring an appli-

cant for license who is not a United States citizen to be a citizen of Canada or a permanent resident under United States immigration laws and a resident of this state, to delete certain residential requirements for agents prior to applying for license; to allow any resident of a populous community, lying partly in Alabama and partly in an adjoining state, to be a resident agent of this state; to require that agents be "trustworthy", and to change the line of insurance exempt from the written examination from "personal property insurance" to "physical damage coverage on household goods", and for these purposes to amend Section 27-7-5, Code of Alabama 1975.

Committee on Small Business

By Senator Sanders:

S. 490. To authorize local school boards to implement a mandatory student uniform dress program for all students in kindergarten to grade 12, inclusive.

Committee on Education

By Senators Horn and Hale:

S. 491. To make a certain supplemental appropriation from the State General Fund to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1993, and to provide that the appropriation shall be used to administer and match certain anticipated funds from a certain federal economic stimulus program for the state Community Development Block Grant Program.

Select Committee on
Fiscal Responsibility

By Senator Lindsey:

S. 492. To amend Section 26-14-3 of the Code of Alabama 1975, to provide that investigations of reports of suspected child abuse or neglect involving discipline or corporal punishment committed in public or private schools or kindergartens or suspected child abuse or neglect committed in state-operated child residential facilities be investigated by law enforcement agencies, and that all other reports of suspected child abuse and neglect be investigated by the Department of Human Resources; to amend Section 26-14-1 of the Code of Alabama 1975, to revise the definition of child sexual abuse; to amend Section 26-14-7 of the Code of Alabama 1975, to revise the definition of neglect and to specify the investigatory authority of the Department of Human Resources in cases involving alleged neglect due to inadequate medical treatment based upon legitimate religious practices; and to amend Section

26-14-7 to provide for private interviews of children, and to provide for a court order to obtain access to the home or child to complete the investigation.

Committee on Judiciary/Civil

By Senator Foshee:

S. 493. Relating to surplus lines insurance; to provide for the regulation of surplus lines insurance transactions with insurers who are not licensed to do business in this state by increasing the bond requirements of surplus lines brokers and by increasing the minimum financial condition of eligible surplus lines insurers; and to amend Sections 27-10-24 and 27-10-26, Code of Alabama 1975.

Committee on Banking
and Insurance

By Senator Windom:

S. 494. To propose an amendment to the Constitution of Alabama of 1901 to provide that the people may propose the repeal or enactment of general laws or constitutional amendments by an indirect initiative referendum subject to the same limitations imposed on the Legislature.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Mitchem:

S. 495. To establish as a Class C felony the unlawful, wanton, or malicious killing, or disabling of livestock of another; to allow in addition, the collection of damages in an amount double the value thereof; to define livestock; and to provide that the act will be construed in pari materia with Section 3-1-10 of the Code of Alabama 1975, relating to the wanton, malicious destruction, killing, or disabling of any animal.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Bedsole:

S. 496. To amend Sections 11-98-1 and 11-98-5 of the Code of

Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication districts; to provide further for the powers of the creating authority and the levy of an emergency telephone service charge.

Committee on Governmental
Affairs/Local Government

By Senator Owens:

S. 497. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Autauga County Board of Education for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

By Senator Floyd:

S. 498. To amend Section 11-43B-15, Code of Alabama 1975, relating to the governing bodies of certain Class 4 municipalities; to increase the number of members on boards of education in Class 4 municipalities to seven.

Committee on Governmental
Affairs/State Administration

REPORTS OF COMMITTEES

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Amendment):

S. 182. To provide for special procedural due process rights for law enforcement officers during certain disciplinary investigations of the officers.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchell and Campbell:

S. 446. To provide for a civil cause of action against certain

employers who take action detrimental to certain defined employees because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and injunctive relief; and to provide a statute of limitation.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

S. 452. To assess a civil penalty after a hearing thereon by the Commissioner of Agriculture and Industries for violations of laws or rules and regulations concerned with honeybees and apiaries, livestock markets and dealers, commercial feeds, fertilizer, agricultural lime, plants and trees, grain dealers, petroleum products, ginseng and public warehouses; to provide that the maximum amount of the penalty shall not exceed \$10,000 and that all incidents arising from the same transaction shall constitute but one offense; to provide for rules and regulations setting out the maximum amount of the penalty for each offense; to provide for an appeal of the assessment of the penalty before the State Board of Agriculture and Industries, and to further provide for judicial review of the board's action; to provide for revocation of a license or permit upon failure to pay said penalty; to expressly repeal Section 8-15-10 which provides for a civil penalty of \$1,000 to be collected in court for failure of a warehouse to be permitted.

By Senator Bedsole:

S. 453. To amend Sections 36-21-4 and 36-21-5 of the Code of Alabama 1975, so as to define "calendar week."

By Senator Bedsole:

S. 461. To amend Section 33-4-48, Code of Alabama 1975, relating to compensation of pilots of ships and vessels; and to increase certain compensation paid to pilots.

By Senators Campbell, Denton, Corbett, Bedsole, Foshee, Bolling, Hale, Smith (B), Floyd, Amari, and Lindsey:

S. 464. To amend the plan for linked deposits where low interest loans are made to qualified private farm and business borrowers in Section 5-21-5, Code of Alabama 1975, to extend the maximum period of the low interest loans to certain agricultural and business operations.

By Senators Ghee, Bedsole, Smith (J), Windom, Lipscomb, and Bennett:

S. 481. To provide for the Alabama Recreational Trails System within the Department of Conservation and Natural Resources for the development of recreational trails; to provide for the Alabama Rails to Trails Program within the trail system; to provide for an advisory council; to provide for the adoption of regulations concerning the use of trails; and to provide penalties for violations.

By Rep. Layson:

H. 7. To amend Section 16-45-4, Code of Alabama 1975, relating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of a member institution to designate an officer or employee of the institution to serve on the board.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Substitute):

S. 128. Relating to alcoholic beverages; and to be known as the Alabama Alcoholic Beverage Control Code; to provide for an Alcoholic Beverage Control Board; to regulate and control transactions in alcoholic beverages which take place in Alabama and to prohibit such transactions except by and under the control of the board; to restrict the effect of the code to wet counties, wet municipalities, and wet community development districts; to provide for the administration, functions, powers and regulations of, and for receipt, disposition, and use of profits of the board; to provide for the appointment, term of office, suspension, removal, compensation, costs, and expenses of such board and its members, officers, agents, and employees, and its administrator; to provide for the management and operation of and sales by state liquor stores; to provide for and fund an inventory fund for the board; to create a cost of evidence fund and provide for use thereof; to authorize licensing to engage in alcoholic beverage transactions, and provide for regulation for, issuance and renewal of, and regulation of the grant of licenses; to impose and levy state, and authorize and limit county and municipal, filing and license fees for engaging in manufacture, import, warehousing, wholesale or retail sale of or transactions in alcoholic beverages; to proscribe unlawful acts and offenses and provide for punishment therefor; to prescribe penalties for any violation of the code or any rule or regulation promulgated by the board and to provide punish-

ment and alternate punishment therefor, including suspension or revocation of licenses and fines against licensees; to provide for non-taxable sales; to provide for refund on overpayment or erroneous payment on taxes and licenses to the board or any county or municipality; to provide penalties for failure to pay taxes collected and for execution for unpaid taxes and penalties; to provide for identification of certain alcoholic beverages and penalties for possession of unidentified alcoholic beverages and for counterfeiting or the reuse of Alabama identification; to provide for licensee reports, records, and inspections; to provide for confiscation of unidentified alcoholic beverages and vehicles used for transportation of unidentified alcoholic beverages and for the procedure for confiscation; to provide for an election to determine classification of a county as wet or dry county; to provide for special method referendum to determine classification of a county as a wet or dry county and to impose conditions governing sales under special method; to provide for a municipal option election to determine the classification of municipalities as wet or dry municipalities; to provide for the separation of business interests and exclusive sales territories; to provide for regulation of advertising alcoholic beverages; to define terms and to establish a legal drinking age; to repeal Chapters 1, 2, 2A, 3A, 6, and 8, and Chapter 3 except Sections 28-3-184, 28-3-190, 28-3-200 through 205, inclusive, 28-3-280, 28-3-281, and 28-3-284, and Chapter 7, except Section 28-7-16, Title 28, Code of Alabama 1975, as amended, and all other conflicting or inconsistent laws or parts of laws, but shall not repeal or amend Title 28, Chapter 9 or Chapter 10, and shall not repeal Sections 6-5-70, 6-5-71, Code of Alabama 1975, as amended, Act No. 90-177, Act No. 91-604, or Act No. 92-532; to amend Title 28, Chapter 4, Code of Alabama 1975, to make the same consistent with the provisions of this code; and to provide that the code shall become effective on October 1, 1993.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Sanders:

S. 454. To provide that handicapped music dealers shall have the same rights as able-bodied music dealers to purchase music instruments from manufacturers or wholesalers of music instruments, and to provide for penalties.

By Rep. Laird:

H. 21. To propose an amendment to the Constitution of Alabama of 1901, to levy an additional one mill ad valorem tax, and providing for the distribution of the proceeds.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Box:

H. 15. To revise the membership of the Commission on Uniform State Laws and provide for the payment of its expenses and dues by amending Sections 41-9-370 to 41-9-374, inclusive, Code of Alabama 1975; and to make a supplemental appropriation to the commission.

By Reps. Beasley, Campbell, Higginbotham, Box, Clark (J), and Laird:

H. 349. To provide further for the administration, powers, and duties of the Legislative Reference Service by amending Sections 29-7-2, 29-7-4, 29-7-5, and 29-7-6 and repealing Section 29-7-3 of the Code of Alabama 1975.

Senator Mitchem, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bolling, Bedsole, Owens, Mitchem, Waggoner, Hale, Campbell, Lindsey, Floyd, and Amari:

S. 459. Relating to Extended Unemployment Compensation; to amend Section 25-4-75, Code of Alabama 1975, to discontinue application of certain special restrictions on entitlement and to substitute therefor provisions of this chapter applicable to claims for regular compensation.

By Senator Smith (B):

S. 463. Regulating the use of explosives; to create the "Alabama Explosives Safety Act of 1993"; to require that the commercial users of explosives be required to obtain a blasting license, and a local explosives use permit from the appropriate municipal issuing authority; to require certain persons to be certified as blasters; to provide a licensure procedure by the State Fire Marshal's Office; to require that certain records be maintained on blasting operations; to provide for the payment and expenditures of fees, civil penalties, grants, and appropriations collected and expended pursuant to this act, to provide that unexpended funds credited to the State Fire Marshal's Fund shall not revert to the General Fund to the State Treasury; to make certain exemptions; to provide for penalties for violations; to authorize administrative and civil remedies for violations; to establish standards relating to seismograph

measurements; to provide for the issuance, refusal, suspension, revocation, or renewal of a blasting license, permit, or a certification for blasting under certain conditions; and to provide for certain emergency variations from the general provisions of this act.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Figures:

S. 417. To amend Section 32-6-300 of the Code of Alabama 1975, by providing that owners of all motor vehicles may purchase the "Helping Schools" tags.

Senator Bennett, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Perdue (With Notice and Proof):

H. 395. Relating to Jefferson County, regulating persons practicing the art of tattooing; prescribing certain criminal and administrative penalties; and prescribing an effective date.

By Rep. Perdue (With Notice and Proof):

H. 396. Relating to Jefferson County, regulating the operation of tanning facilities and prescribing criminal and administrative penalties.

By Senator Horn (With Notice and Proof):

S. 126. To amend Section 11-52-3 of the Code of Alabama 1975, to provide further for the compensation for meetings attended by the appointed members of the planning commission of Class 1 municipalities, who are neither elected officials nor employees of the municipality; and to provide an effective date of the act.

By Rep. Newton (D) (With Notice and Proof):

H. 33. To amend Section 11-52-3, Code of Alabama 1975, to authorize compensation for meetings attended by appointed members of the planning commission of a Class 1 municipality except to elected officials or employees of the municipality.

By Rep. Rogers (J) (With Notice and Proof):

H. 99. Relating to Jefferson County; to provide that each Com-

missioner of the Jefferson County Commission shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out official duties as a commissioner, or a certain expense allowance as reimbursement for the commissioners' use of a personal vehicle and fuel, oil, and repairs for official duties.

By Senators Waggoner and Bennett (With Notice and Proof):

S. 32. Relating to Jefferson County; to provide that each Commissioner of the Jefferson County Commission shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out official duties as a commissioner, or a certain expense allowance as reimbursement for the commissioners' use of a personal vehicle and fuel, oil, and repairs for official duties.

By Rep. McClain (With Notice and Proof):

H. 295. To authorize Class I municipalities and their agencies, which are governed by boards with their members appointed by officials of the municipality, to accept bids made by responsible resident bidders which are no more than five percent greater than the lowest responsible bid.

By Senator Horn (With Notice and Proof):

S. 192. Relating to Class 1 municipalities; providing for the election of the city board of education from nine single-member districts.

By Senator Waggoner (With Notice and Proof):

S. 471. To authorize the County Commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Vestavia Hills City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.51 on each one hundred dollars (15.1 mills on each dollar) of assessed value.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

S. 148. To amend Section 9-13-82, Code of Alabama 1975, relating to forest products privilege and severance taxes.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Parsons, Amari, Windom, Dixon, Bailey, Smith (B), Lindsey, Dial, Smith (J), Waggoner, Bedsole, Wilson, Campbell, Mitchell, Denton, Floyd, Ghee, Figures, Barron, Foshee, Little, Owens, Langford, deGraffenried, Lipscomb, Corbett, Sanders, and Bolling (With Substitute):

S. 367. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Floyd:

S. 378. To repeal Section 30-3-7, Code of Alabama 1975, relating to fees for investigation services performed by the Department of Human Resources in cases involving divorce or divorce modification.

By Senator Denton:

S. 385. Providing for distinctive motor vehicle license tags or plates for supporters of "Square and Round Dance"; prescribing the fees for these tags and plates; providing for disposition of the net proceeds from the fees, and providing for a delayed effective date.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Wilson (With Amendment):

S. 449. To provide for the purchase of credit under the Employees' Retirement System of Alabama by active and contributing members of the system for employment as a circuit clerk or register, to further provide a method of payment where the member pays the total cost of the credit, and to provide for termination.

Senator Horn, Chairperson of the Standing Committee on Finance

and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Little:

S. 476. To prohibit district attorneys from receiving additional personal compensation for the enforcement of child support obligations.

By Rep. Harper:

H. 227. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 232. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper (With Substitute):

H. 233. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 234. To make an appropriation from the State General Fund to the Civil Air Patrol, Alabama Wing for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 238. To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper (With Substitute):

H. 244. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 248. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper:

H. 251. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

By Rep. Harper:

H. 252. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper:

H. 255. To make an appropriation from the State General Fund

to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper:

H. 256. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper:

H. 257. To transfer \$300,000 from the Department of Corrections to the Sentencing Institute for the fiscal year ending September 30, 1994.

By Rep. Harper:

H. 262. To make an appropriation from the State General Fund to the America's Young Woman of the Year Program for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 263. To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year Program for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Johnson:

H. 468. To authorize the State Board of Health while administering the United States Department of Agriculture Food and Nutrition Service funded Special Supplemental Food Program for Women, Infants, and Children (WIC) Program; to adopt reasonable rules relating to the

enforcement, penalties, and sanctions pursuant to the administration of the WIC Program; and to impose criminal penalties.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Sanders:

S. 394. To amend Sections 16-46-3, 16-46-5, and 16-46-6, Code of Alabama 1975, relating to regulation of certain schools and courses of instruction, so as to remove the exemption of certain schools currently exempt from licensure requirements, establish program areas to be reviewed prior to the issuance of a license, increase the amount of surety bonds, and fees; and establish a tuition guaranty fund.

By Senator Sanders:

S. 396. To increase the number of trustees on the Board of Trustees of Selma University and to provide for their appointment.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Campbell (With Amendment):

S. 416. To amend Section 16-8-6, Code of Alabama 1975, relating to vacancies in county boards of education, to provide that an appointee may serve out the unexpired term or until the next regular election, whichever occurs first.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ghee:

S. 424. To amend Sections 44-1-73 and 44-1-75, Code of Alabama 1975, relating to the Youth Services Department Special School District, to permit the district to provide education in juvenile detention facilities; and provide further for teachers in the district.

By Senator deGraffenried:

S. 426. To provide for school attendance standards and the operation of motor vehicles by certain persons; and to provide a prospective effective date.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Amendment):

S. 124. To create the Respiratory Care Act to provide for the regulation and licensing of persons administering respiratory care; to provide for the powers, duties, and responsibilities of the Alabama State Board of Respiratory Care; to create a special fund for receipts collected by the board and the administration of the fund; to make appropriations from the Alabama State Board of Respiratory Care Fund to the Alabama State Board of Respiratory Care; and to provide for prohibited acts and penalties.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Waggoner, Owens, Mitchem, Lipscomb, Mitchell, Bedsole, Bolling, Ellis, Denton, Amari, Campbell, Floyd, Barron, Wilson, Hill, Smith (B), Ghee, Bailey, Figures, deGraffenried, Horn, Langford, Smith (J), and Windom (With Substitute) (With Amendments):

S. 370. Relating to public health in this state; to prohibit smoking in a public place or at a meeting of a public body, except in a designated smoking area; and to prescribe penalties for violations.

Senator Wilson, Chairperson of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Wilson (With Substitute):

S. 469. To amend Section 40-13-32, Code of Alabama 1975, to

provide further for distribution of certain proceeds from a coal and lignite severance tax.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 293. Amending Section 36-7-20, Code of Alabama 1975, to provide further for expenses for members of the Legislature traveling within the state to attend events sponsored by certain national and regional legislative organizations.

RESOLUTIONS

Senator Mitchem offered the following Senate Joint Resolution, to-wit:

SJR 46. COMMENDING MISS KRISTIN YENCER OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Kristin Yencer, a 17-year-old Albertville High School honors student, has represented the City of Albertville and the State of Alabama in regional and national baton twirling competition over the past five years, and has consistently placed among the top seven in the United States Twirling Association National Championships for 13 consecutive years; and

WHEREAS, additionally, she was named the USTA Junior Division National Champion in three-baton in 1988, has been Southeast Regional three-baton Grand Champion the past four consecutive years, and Southeast Regional two-baton Grand Champion the last two years in a row; and

WHEREAS, in National Championship competition in 1992, competing against the best twirlers in the nation, Kristin placed fourth in two-baton, fifth in three-baton and seventh in one-baton; and

WHEREAS, over the past 13 years, Kristin has performed in parades across the country and has made television appearances featuring her twirling in numerous cities in the Southeast; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Miss Kristin

Yencer of Albertville, Alabama, a talented young lady of whom we are justly proud, and for whom a copy of this resolution shall be provided that she may know of our sincere admiration and warm best wishes for every future success.

On motion of Senator Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Smith (J) and Smith (B) offered the following Senate Joint Resolution, to-wit:

SJR 47. COMMENDING ROBERT W. HAGER OF HUNTSVILLE, ALABAMA.

WHEREAS, on the occasion of his retirement as vice president-general manager of the Boeing Missiles and Space Division, the Alabama Legislature most highly commends Robert W. Hager on the accomplishments of his outstanding career since joining the Boeing Company in 1955; and

WHEREAS, Mr. Hager, during his tenure, has been instrumentally involved in a number of Boeing's most notable projects, including management of the Inertial Upper Stage (ISU)/Spacecraft Integration Programs, and the company's historic Minuteman ICBM program, which he directed; and

WHEREAS, in his position as vice president-general manager, Mr. Hager had the responsibility for all missile and space programs within the Boeing Company, and for Boeing Petroleum Service, Inc., which manages the nation's Strategic Petroleum Reserve for the Department of Energy; he also was responsible for overseeing the Boeing Space Development Company and from 1984 until retirement, served as vice president, Space Station Freedom; and

WHEREAS, Robert Hager, despite the demands of his career, has assumed a leadership role in service to the Huntsville community through membership and activities of the Huntsville Hospital Foundation Board, Technical and Business Exhibition/Symposium, University of Alabama in Huntsville Foundation Board of Trustees, Huntsville/Madison County Chamber of Commerce, Mayor's Vision 2000 Policy Board, the Business Council of Alabama, and numerous other professional and civic organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Robert W. Hager on the occasion of his retirement from the Boeing Company; we further commend him on the accomplishments of his career, and the magnitude of his community

service, and direct that he receive a copy of this resolution of highest esteem.

On motion of Senator Smith (J), the Rules were suspended and the Resolution was adopted by the Senate.

**FURTHER CONSIDERATION OF THE ELECTION TO THE
SENATE ETHICS AND CONDUCT COMMITTEE**

The Senate proceeded to further consideration of the election to the Senate Ethics and Conduct Committee.

The President and Presiding Officer of the Senate appointed Senators deGraffenried, Hale, and Foshee to tabulate the votes.

In accordance with the provisions of SR 29, 1992 Regular Session, the following Senators were elected to the Senate Ethics and Conduct Committee:

Senator Pat Lindsey, Chairperson
Senator Ann Bedsole, Vice Chairperson
Senator Don Hale
Senator Charles Langford
Senator J. T. Waggoner

RESOLUTIONS

Senator Bolling offered the following Senate Joint Resolution, to-wit:

SJR 48. COMMENDING LANCE TUCKER OF FAYETTE, ALABAMA.

WHEREAS, Lance Tucker, a graduating senior and a record-holding quarterback at Fayette County High School has recently signed to play with the Crimson Tide at the University of Alabama; and

WHEREAS, loaded with natural talent and ability, and ably led by his father, Waldon Tucker, head coach at Fayette High, Lance Tucker has set many records during his high school football career; and

WHEREAS, Lance Tucker, a starting quarterback for the Fayette County Tigers for the past six years, led his team to 54 victories, and holds a state record for passing yardage (8,173), completions (586), attempts (1,202), and touchdown passes (63); he also ranks nationally as the sixth all-time passer in the nation, and is second in attempts and third in completions; and

WHEREAS, in tribute to his many accomplishments, Lance has

received honorable mention as an All-American by USA Today and as Class 4A "Player of the Year" by the Alabama Sports Writers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Lance Tucker of Fayette, Alabama, on his many outstanding accomplishments, and direct that he receive a copy of this resolution with sincere best wishes for continued success in his future career with the University of Alabama Crimson Tide.

On motion of Senator Bolling, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bolling then offered the following Senate Joint Resolution, to-wit:

SJR 49. COMMENDING JANE MCWHORTER, ALABAMA'S 1993 MERIT MOTHER OF THE YEAR.

WHEREAS, in consensus of commendation, the Alabama Legislature notes the selection of Jane McWhorter of Fayette, Alabama, as Alabama Mother of the Year for 1993 by the Alabama Association of American Mothers, Inc.; and

WHEREAS, Jane McWhorter, who will compete for national honors in Raleigh, North Carolina, in April, truly exemplifies those qualities of character to be admired and emulated; despite her responsibilities as the mother of two children and the wife of a Church of Christ minister, she has always found time for others in need, and her courage and determination in recovering from injuries sustained in an automobile accident in 1970, served as a meaningful example for her now-grown children; and

WHEREAS, Mrs. McWhorter earned a Bachelor of Arts degree from David Lipscomb College, Master of Science degree from Jacksonville State University, and has pursued further graduate studies at the University of Alabama; and

WHEREAS, a first grade teacher at Fayette Elementary School, Mrs. McWhorter is a former Fayette County Elementary Teacher of the Year; has been honored as Teacher of the Year for District Seven, and nominated for the R. Wiley Hollingsworth-Arvin Foundation Outstanding Teacher Award; and was named Disabled Professional Woman of the Year in 1990 by the Alabama Pilot Club; and

WHEREAS, Mrs. McWhorter additionally has written study books for women's Bible classes, has co-authored a book about marriage with

her husband, and speaks to women's groups throughout the Southeast; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment and as Alabama's 1993 Mother of the Year, we hereby most highly commend Jane McWhorter of Fayette, Alabama, for whom a copy of this resolution shall be provided with sincere best wishes for success in the forthcoming national competition.

On motion of Senator Bolling, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Butler:

HJR 159. COMMENDING CHERYL D. BANKSTON OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

By Reps. Hooper, Johnson, and Payne:

HJR 162. COMMENDING PHYLLIS SCHLAFLY OF ILLINOIS FOR EXTRAORDINARY VOLUNTEER SERVICE AND LEADERSHIP.

Also:

By Reps. McMillan and Penry:

HJR 160. COMMENDING LYN STUART OF BAY MINETTE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Cullins:

HJR 163. COMMENDING THE REVEREND LEON RAILEY OF ALEXANDER CITY, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (B), the Rules were suspended and the Resolutions, HJR's 159, 162, 160, and 163, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

RESOLUTIONS

Senators Little and Dial offered the following Senate Joint Resolution, to-wit:

SJR 50. MOURNING THE DEATH OF TYRE C. WEAVER, JR., OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Tyre C. Weaver, Jr., of Mobile, Alabama, on February 20, 1993; and

WHEREAS, Tyre C. Weaver, Jr., a native of Riverview, Alabama, and former Chambers County Tax Collector from 1949 to 1980, was a United States Army veteran, who served as a flight engineer on a B-17 Fortress bomber during World War II; and

WHEREAS, in July 1943, Sergeant Weaver was badly wounded during a bombing mission when his plane was attacked by enemy fire, and he was struck by a 20MM shell which severed his left arm at a point too close to permit a tourniquet; and

WHEREAS, in a desperate attempt to save the flight engineer's life, his crewmates strapped him into a parachute and dropped him overboard at 25,500 feet on the remote chance he would be found by the enemy and receive the medical attention necessary to save his life; and

WHEREAS, after being discovered, the unconscious and badly bleeding airman was carried to a German hospital in Vechta where his arm was amputated; he then spent 15 months as a prisoner of war before being repatriated from Germany in an exchange of wounded military personnel; and

WHEREAS, Tyre Weaver, a valiant American hero, was the recipient of the Air Medal, as well as the Purple Heart, and the courage he displayed throughout his ordeal will forever attest to the indomitable spirit of our nation's brave men and women who stand ready to defend the freedom we hold so dear; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Tyre C. Weaver, Jr., and extend our very

deepest sympathy to his wife, Mrs. Frances D. Weaver; daughters, Connie W. Spates, Karen W. Re and Kimberly W. Stanley; sons, Tyre C. Weaver, III, John L. Weaver, William O. Weaver and Robert L. Weaver; and to other family members, whose sorrow we sincerely share, and to whom a copy of this resolution shall be forwarded.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 51. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Eleventh Legislative day only.

	Page
H. 301 Surplus of Confederate soldiers' pensions to be approp. to veterans' nursing homes in Bay Minette and Huntsville, Sec. 38-4-12, am'd.	94
H. 88 Veterans' nursing homes, subject to certificate of need procedure, exception for cert. homes, Secs. 22-21-260, 22-21-277 am'd.	92
H. 87 Veterans' Affairs Dept., approp.	92
S. 437 Insecticides and fungicides, cert., sales and use tax exempt, Sec. 40-23-4 am'd.	91
S. 208 Rental prop. and leasing of private prop., cos. and muns. prohib. from enacting price controls, retroactive effect	57
S. 427 Leases, lease-purchase agreements, installment contracts, cos., muns., local bds. of ed., may develop authorities, bonds, sale auth.	69
S. 15 Criminal storage of firearms, 1st and 2nd degrees defined,	29

penalties, licensing procedure, Parental Adult Firearms Responsibility Act estab.

- S. 404** 63
Public schools, supp. approp. for 1992-93 fiscal yr.
- S. 429** 95
Deceptive Trade Practices Act, regulating promotional giveaways, campground membership, career consult firms, loanbrokers, health spas, and odometers, Secs. 8-19-3, 8-19-5, 8-19-6, 8-19-8, am'd.
- S. 371** 64
University of Montevallo, endowment fund, Sec. 16-54-18 amd.
- S. 239** 10
Firefighters, employees organization, gov. body to respond in writing to proposals, Sec. 11-43-143 am'd.
- S. 245** 37
Local gov't. contracts for cert. computer equipment and printing services, exempted from competitive bids, Sec. 41-16-51 am'd.
- S. 94** 53
Parents failing to compel child to enroll or attend school or properly conduct himself, principal and supt. of ed. req. to report, penalties, local bds. of ed. to estab. progs. to educate parents re responsibilities, Sec. 16-28-12 am'd.
- S. 95** 53
Commission on Higher Education, auth. to appt. committee to improve postsecondary ed. participation and high school retention, contract to create center to estab. communication network
- S. 96** 54
Vocational education curriculum req. of cert. students, graduation exam to test 12th grade skill level, Sec. 16-3-18.3 am'd.
- S. 97** 55
Boards of ed., req. to instruct cert. students re parental responsibilities, importance of an education, and how to study
- S. 98** 55
Boards of ed., may estab. volunteer tutorial progs., Sec. 16-3-18.2 am'd.

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S. 356	88
Retirement systems, investment of funds, effective date of retirement allowance, Secs. 16-25-14, 16-25-20, 36-27-25 am'd.	
S. 109	30
Prisoners sentenced for less than life terms, civil disabilities and operation of statute of limitations removed for cert. civil actions and other prop. rts., Sec. 6-2-8 am'd.	
H. 246	93
Economic and Community Affairs Dept., approp.	
S. 286	17
Administration of a decedent's estate, personal representatives, duties and powers provided, Secs. 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, 43-2-316 repealed	
S. 219	31
Child abuse, crime of sexual torture estab.	
S. 157	8
County engineer trainees, salary scale incr. if registered, with one yr. of trainee experience, Highway Dept. pays 50% of salary, Sec. 11-6-23 am'd.	
S. 299	35
Motor vehicle tags, veterans and armed forces reservists, distinc. tags auth., fees, Sec. 32-6-150 am'd.	
S. 301	20
Municipalities, junkyards reg.	
S. 223	24
Prisoners in mun., co., or st. facilities, testing re sexually transmitted disease, victim of sex offense may obtain HIV test results, Sec. 22-11A-17 am'd.	
S. 383	44
Infected Health Care Worker Management Act, estab.	
S. 210	14
Motor Vehicle Safety Responsibility Act, proof of financial responsibility after accident, min. insured or security, Secs. 32-7-2, 32-7-8, 32-7-22, 32-7-27 am'd., Sec. 32-7-39 repealed	
S. 265	12
Liquefied Petroleum Gas Bd., vacancies, notification of work	

on gas systems, research and ed. committee, research and ed. fund, Secs. 9-17-100, 9-17-104, 9-17-109, 9-17-110 am'd.

S. 4	4
Small Business Incubator Act, approp.	
S. 235	9
Veterinarians, advertisements and solicitation to public reg.	
S. 258	24
Radiation Advisory Bd., veterinarian incl., Sec. 22-14-5 am'd.	
S. 16	81
National Guard, add'l. educational benefits	
S. 419	68
State funds, incl. housing assistance progs. in Wallace Plan for Linked Deposits, Secs. 5-21-2, 5-21-3, 5-21-4, 5-21-9 am'd.	
S. 133	68
Legislature, limitation on terms, consti. amend.	
S. 308	39
Elections, holding of, notice, designation of voting places, installation and maintenance of voting machines, Secs. 11-46-5, 11-46-22, 11-46-24, and 17-9-4 amd.	
S. 373	47
Family violence protection order enforcement provided	
S. 272	85
Sports Hall of Fame, officers and employees eligible for membership in Teachers' Retirement System, purchase of past service credit auth.	
S. 178	48
Prisoners, may have cert. voting rts. reinstated upon completion of sentence and if other conditions are met, firearm privileges excluded, Sec. 17-3-10 repealed	
S. 162	18
Abandoned mines, reclamation funds deadline extended to Nov. 5, 1990, Secs. 9-16-12, 9-16-124 am'd.	
S. 136	14
S. 401	71

On motion of Senator Hale, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Denton, B.I.R., HB 301, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom
-25

Nays:

- 0

**SPECIAL ORDER
BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 301. To amend Section 38-4-12 and Section 40-8-3, Code of Alabama 1975, to appropriate the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors to veterans home programs.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, HB 301, to-wit:

SUBSTITUTE FOR HB 301

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 38-4-12, Code of Alabama 1975, to further provide for the appropriation of the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 38-4-12, Code of Alabama 1975, is amended to read as follows:

"§38-4-12.

"(a) Except as provided in subsection (b), ~~there~~ ~~There is hereby~~ appropriated to the state department, for old age pension purposes, out of the proceeds from the levy of the one mill tax for the relief of needy Confederate soldiers and sailors and their widows, all of the surplus or residue ~~thereof from the tax~~ after the payment in full of the pensions to the widows of Confederate soldiers and sailors and other charges against ~~said the fund set out in the provisions of the laws~~ authorizing the payment of ~~such the~~ pensions to ~~said the~~ widows, ~~and in.~~ In making this appropriation, it is ~~hereby~~ declared to be the legislative policy that the department of human resources shall expend all of the surplus or residue hereby appropriated and all moneys received by it from the federal government as matching ~~of any or~~ funds for all funds expended for Confederate pensions or as matching ~~of funds~~ for the surplus or residue hereby appropriated under this section, for old age pension purposes exclusively insofar as is possible under existing laws and the rules and regulations of the federal government and of the department of human resources in regard thereto, before any part thereof may be expended for any other purposes of the department of human resources.

(b) From all of the surplus or residue provided in (a) above after deducting the amounts allotted to the recipient agencies under the annual appropriations act from the one mill ad valorem tax, there is hereby appropriated to the Department of Veterans' Affairs all of the remaining residue to be expended for veterans' nursing homes located in Bay Minette, Alabama and Huntsville, Alabama. This appropriation shall continue until the Department of Veterans' Affairs receives an aggregate of five million and five hundred thousand dollars (\$5,500,000).

(c) At such time that the provisions of subsection (b) above are met, the distribution of the 1 mill tax as provided in Section 1(a) above shall continue as provided in that section prior to the passage of this act."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom

-25

Nays:

- 0

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And said Bill, HB 301, as amended by the substitute, was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom
-27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Denton, B.I.R., HB 88, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 88. Relating to veterans' nursing homes and veterans' homes, amending Sections 22-21-260 and 22-21-277, Code of Alabama 1975, to include certain veterans' nursing homes and veterans' homes within the definition of a health care facility requiring a certificate of need.

was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom
-28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Denton, B.I.R., HB 87, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 87. To make a supplemental appropriation from the State General Fund to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993, and to specify the purposes for which the funds may be used.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, HB 87, to-wit:

AMENDMENT TO HB 87

Amend House Bill 87, on Page 2, after Line 5, as follows:

By inserting a new Section 2 and renumbering all subsequent sections accordingly:

"Section 2. The appropriation provided for in this bill shall be invalid if House Bill 301 introduced in the 1993 Regular Session becomes law."

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -26

Nays:

- 0

And said Bill, HB 87, as thus amended, was read a third time at length and passed.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -26

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., SB 437, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 437. To provide further for certain sales tax exemptions, to amend Section 40-23-4, Code of Alabama 1975.

was taken up.

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, HB 437, was postponed subject to the call of the Chair.

RECESS

At 12:10 P.M., on motion of Senator Horn, the Senate took a recess until 1:30 P.M.

At 1:30 P.M., the recess period having expired, the Senate was called to order by acting Presiding Officer Foshee. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Carns:

HJR 178. COMMEMORATING THE LIFE AND SERVICE OF THE LATE CECIL MONROE TUCKER.

Also:

By Rep. Holley:

HJR 179. COMMENDING LUTHER MARTIN MOATES OF ENTERPRISE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS AND ACHIEVEMENT.

Also:

By Rep. Hill:

HJR 180. COMMEMORATING THE LIFE AND SERVICE OF THE LATE WILLIE J. AKRIDGE OF CALERA, ALABAMA (1929-1992).

Also:

By Rep. Millican:

HJR 185. RECOGNIZING BARBECUE CHEF TODD PAGE OF HAMILTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Lindsey, the Rules were suspended and the Resolutions, HJR's 178 and 180, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Foshee, the Rules were suspended and the Resolution, HJR 179, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Windom, the Rules were suspended and the Resolution, HJR 185, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Freeman, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 175. CONGRATULATING MR. AND MRS. RANDY LEE COX OF MONTGOMERY, ALABAMA, ON THE BIRTH OF THEIR SON, MATTHEW REEVES COX, ON MARCH 2, 1993.

Also:

By Reps. Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt,

Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 176. CONGRATULATING THE SPARKMAN HIGH SCHOOL LADY SENATORS ON THEIR NATIONAL CHEERLEADING CHAMPIONSHIP.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, HJR 175, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Hale, the Rules were suspended and the Resolution, HJR 176, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF SB 437

The Senate proceeded to further consideration of the Bill, SB 437.

On motion of Senator Horn, unanimous consent was granted and further consideration of the Bill, SB 437, was postponed subject to the call of the Chair.

RESOLUTION

Senators Hale, Smith (B), Smith (J), and Barron offered the following Senate Joint Resolution, to-wit:

SJR 52. RECOGNIZING THE CONTRIBUTION TO EDUCATION IN ALABAMA AND THE HISTORY OF ALABAMA MADE BY CONSTITUTION VILLAGE OF HUNTSVILLE, ALABAMA.

WHEREAS, the Legislature of Alabama records that in 1972, state and civic leaders in Madison County wished to preserve the site of the constitutional convention of 1819 located in Huntsville; and

WHEREAS, Constitution Hall Park was then established as a living memorial to Alabama's statehood and shall now be known as Constitution Village; and

WHEREAS, through the arduous tasks of research, fund raising, and development, the founders and staff of Constitution Village were able to recreate a working and thriving environment typical of Alabama in the early 1800's; and

WHEREAS, Constitution Village offers a variety of programs catering to the interests of school children, visiting adults, and teachers, including a teacher training program, the Summer Teacher's Institute, which was awarded the Exemplary Program Award by the United States Department of Education; and

WHEREAS, Alabama's Constitution Village is a unique tourist attraction that has made a meaningful and lasting contribution to the economic development of Huntsville and the state of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to commend the Board of Directors and staff of Constitution Village for their unique contribution to preserving the history of Alabama and their commitment to the education of students and teachers alike.

On motion of Senator Hale, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., SB 208, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bedsole, Bolling, Campbell, deGraffenried, Dial, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Little, Mitchell, Mitchem, Owens, and Windom

-17

Nay: Senator Amari

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 208. To prohibit the enactment by local governmental units of ordinances, resolutions, or rules controlling the amount of rent charged for leasing private property; and to provide for the retroactive effect of this act.

was taken up.

Senator deGraffenried offered the following amendment to the Bill, SB 208, to-wit:

AMENDMENT TO SB 208

On page 1, lines 24 and 25 delete the following language:

; and to provide for the retroactive effect of this act

On page 2, after line 9, delete Section 3 in its entirety and renumber subsequent sections accordingly.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Waggoner, and Windom -24

Nays:

- 0

And said Bill, SB 208, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 2

Yeas:

Senators:

Bailey, Barron, Campbell, Corbett, Denton, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -22

Nays:

Senators:

deGraffenried and Dixon

- 2

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 427, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Figures, Floyd, Foshee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -22

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 427. To authorize the State of Alabama and its agencies,

boards, commissions, and departments, and counties, municipalities, county boards of education, city boards of education, and various other political subdivisions, instrumentalities, and public corporations to enter into leases, lease-purchase contracts, installment-purchase contracts, and similar agreements and arrangements; to delineate certain mandatory and optional provisions of the leases, contracts, agreements, and arrangements; to provide the conditions under which the lease contracts, agreements, and arrangements shall be deemed not to create a debt of the lessee or purchaser; to declare certain obligations of the governmental entity and certain rights and remedies of the lessor, grantor, or other comparable party under the leases, contracts, agreements, and arrangements in the event of expiration, cancellation, or termination of the leases, contracts, agreements, or arrangements, including the obligation of the governmental entity to return the subject property; to authorize governmental entities to specify that the leases, contracts, agreements, or arrangements are general obligations of the governmental entity or are limited obligations of the governmental entity payable from a specified source and to secure the leases, contracts, agreements, and arrangements with pledges by governmental entities of taxes levied by the governmental entity, payments in-lieu-of-taxes paid or payable to the governmental entity, taxes apportioned and paid to the governmental entity, income from the investment of moneys lawfully held by the governmental entity, and revenues from revenue-producing properties in order to secure the leases, contracts, agreements, or arrangements; to declare that the leases, contracts, agreements, and arrangements constitute the exercise by the governmental entities of their borrowing power and constitute evidences of indebtedness under Section 8-8-7, Code of Alabama 1975, establishing exemptions from usury and similar laws for the bonds, notes, warrants, other evidences of indebtedness, or securities of specified governmental entities; to provide that the leases, contracts, agreements, and arrangements are legal and authorized investments for banks, municipal loan associations, insurance companies, fiduciaries, and trustees; to provide that the act is declaratory of existing law; and to repeal Section 11-80-8, Code of Alabama 1975.

was taken up.

Senator Windom offered the following substitute for the Bill, SB 427, to-wit:

SUBSTITUTE FOR SB 427

A BILL TO BE ENTITLED AN ACT

To authorize the state of Alabama and its agencies, boards, commissions and departments, and counties, municipalities, county

boards of education, city boards of education and various other political subdivisions, instrumentalities and public corporations to enter into leases, lease-purchase contracts, installment-purchase contracts and similar agreements and arrangements relating to tangible personal property; to delineate certain mandatory and optional provisions of such leases, contracts, agreements and arrangements; to provide the conditions under which such lease contracts, agreements and arrangements shall be deemed not to create a debt of the lessee or purchaser; to declare certain obligations of the governmental entity and certain rights and remedies of the lessor, grantor or other comparable party under such leases, contracts, agreements and arrangements in the event of expiration, cancellation or termination of such leases, contracts, agreements or arrangements, including the obligation of the governmental entity to return the subject property; to authorize governmental entities to specify that such leases, contracts, agreements or arrangements are general obligations of such governmental entity or are limited obligations of such governmental entity payable from a specified source and to secure such leases, contracts, agreements and arrangements with pledges by governmental entities of taxes levied by such governmental entity, payments in lieu of taxes paid or payable to such governmental entity, taxes apportioned and paid to such governmental entity, income from the investment of moneys lawfully held by such governmental entity and revenues from revenue-producing properties; to declare that such leases, contracts, agreements and arrangements constitute the exercise by such governmental entities of their borrowing power and constitute "evidences of indebtedness" under Section 8-8-7 of the Code of Alabama 1975, as amended, establishing exemptions from usury and similar laws for the bonds, notes, warrants, other evidences of indebtedness or securities of specified governmental entities; to provide that such leases, contracts, agreements and arrangements are legal and authorized investments for banks, savings and loan associations, insurance companies, fiduciaries, and trustees; to provide that such act is declaratory of existing law; to repeal section 11-80-8 of the Code of Alabama 1975, as amended; and to provide an effective date of such act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Alabama Governmental Leasing Act.

Section 2. It is hereby found and declared by the legislature of Alabama that it is in the public interest that the state, political subdivisions, agencies, boards, commissions and departments thereof, the various counties of the state, the various municipal corporations within the state, county boards of education, city boards of education, instrumentalities of any of the foregoing and public corporations arising under or organized pursuant to any statute of the state shall have the

flexibility to finance the acquisition, installation, equipping and/or improvement of any eligible property that such governmental entity otherwise is legally authorized to acquire through the use of lease, lease-purchase and/or installment-purchase financing. It is the intention of the legislature by passage of this act that wherever, either by express grant or by implication, a governmental entity has the power and authority to acquire any eligible property by purchase, lease, lease-purchase, bailment or otherwise, such governmental entity shall have the power and authority to acquire such eligible property through the use of any lease, lease-purchase, lease with option to purchase, installment-sale agreement or arrangement or similar agreement or arrangement authorized by this act. Furthermore, it is the intention of the legislature by passage of this act to authorize each such governmental entity, in its discretion, to enter into lease, lease-purchase and/or installment-purchase contracts and arrangements, on such terms and containing such conditions, stipulations and requirements as such governmental entity shall believe necessary in order to obtain such lease, lease-purchase and/or installment-sale financing or as be mandated by this act. This act shall be construed liberally in conformity with the intention stated in the foregoing provisions of this section.

Section 3. For the purposes of this act, the following terms shall have the respective meanings provided by this section:

(a) **ALTERNATIVE FINANCING CONTRACT.** A lease, lease-purchase, lease with option to purchase, installment-sale agreement or arrangement, or other similar agreement or arrangement.

(b) **GOVERNMENTAL ENTITY.** The state; any political subdivision of the state; any agency, board, commission or department of the state; any county; any municipal corporation; any county board of education; any city board of education; any instrumentality of any of the foregoing; the state board of education, acting for the respective educational institutions under its supervision; each public corporation that conducts one or more state educational institutions under its supervision; and any public corporation arising under or organized pursuant to any statute of the state.

(c) **GRANTOR PARTY.** The lessor under a lease or lease-purchase contract, grantor under an installment-purchase contract or other comparable party under any other alternative financing contract. Unless otherwise indicated by the context, each reference to grantor party shall include any assignee of the rights of the grantor party under the alternative financing contract.

(d) **ELIGIBLE PROPERTY.** Any tangible personal property, or any interest therein, including without limitation any goods, supplies, materials, appliances, equipment, furnishings and/or machinery, whether or not such items constitute fixtures.

(e) STATE. The State of Alabama.

(f) SUBJECT PROPERTY. The eligible property which is the subject of an alternative financing contract.

Section 4. In addition to and not as a limitation upon other powers and authority, any governmental entity shall have the power and authority to execute, perform, and authorize payments under any alternative financing contract relating to any eligible property deemed by such governmental entity to be necessary, useful or appropriate to one or more lawful purposes of such governmental entity. Any alternative financing contract may provide financing or a source of funds for any or all costs of acquiring (by lease, purchase, lease-purchase or otherwise), installing, equipping and/or improving any eligible property and for any or all associated costs, fees and expenses (including, without limitation, finance charges).

Section 5. (a) Alternative financing contracts may be for such term, provide for such renewal or extension options, provide for such terminating events, provide for the payment of such rentals, purchase installments, purchase price, and other amounts, and contain such other terms, provisions and conditions as the governmental entity shall deem appropriate, and without limitation to the generality of the foregoing, may contain terms and conditions substantially similar to any one or more of the following:

(1) Provisions for the automatic renewal of the alternative financing contract for one or more successive periods unless affirmative action is taken by the governmental entity to terminate such alternative financing contract, and, if desired, specifying the nature of such affirmative action sufficient to terminate such alternative financing contract;

(2) Provisions for the payment by the governmental entity of interest at such fixed or variable rates of interest as such governmental entity shall deem appropriate or for the allocation of a portion of specified rentals or other payments to interest (which such allocation shall be deemed conclusively correct in the absence of bad faith);

(3) Provisions specifying the rights, remedies, obligations and other liabilities of the parties in the event of a default or other failure to comply with the provisions of the alternative financing contract;

(4) Provisions designating whether the rights and/or obligations of the respective parties under the alternative financing contract shall be subject to assignment and/or delegation or specifying the terms and conditions under which such assignment and/or delegation shall be permitted; provided that, notwithstanding any other statute or law of the state to the contrary, in the absence of an express provision of an alter-

native financing contract prohibiting the assignment and/or delegation by the grantor party, such grantor party shall be permitted to assign its rights and/or delegate its obligations under such alternative financing contract without the consent or approval of the governmental entity;

(5) Provisions establishing which party to the alternative financing contract will retain title to the subject property and which party to the alternative financing contract will bear the risk of loss with respect to the subject property and provisions establishing the circumstances in which title to and/or risk of loss with respect to the subject property shall be transferred (including, without limitation, provisions establishing any applicable purchase price or formula for computing such purchase price);

(6) Provisions specifying the consequences of theft, casualty loss, destruction, condemnation of or other loss affecting the subject property (in whole or in part), which provisions may specify that in the event of such a theft, casualty loss, destruction, condemnation or other loss, the governmental entity shall be required to pay a stipulated amount to the grantor party and that, upon payment of such stipulated amount, title to that subject property (if not already held by the governmental entity) will pass to the governmental entity;

(7) Provisions requiring the governmental entity or the grantor party to maintain casualty insurance with respect to the subject property and/or to maintain liability, workmen's compensation and/or other insurance coverages during the term of the alternative financing contract and specifying the application of the proceeds of such insurance;

(8) If required by the grantor party or its assignee, covenants precluding or limiting the right of the governmental entity to acquire property comparable to the subject property within a specified time (not to exceed five years) after early cancellation or termination of the alternative financing contract or the failure of the governmental entity to exercise all available optional renewals or extensions on the basis of a failure to appropriate funds for payment of amounts due under such alternative financing contract;

(9) Covenants of the governmental entity to indemnify, hold harmless and/or defend the grantor party with respect to any or all of the transactions contemplated by the alternative financing contract and/or in connection with the subject property;

(10) Provisions allocating responsibility for taxes, duties, assessments and other impositions applicable to the alternative financing contract, any transactions contemplated by the alternative financing contract and/or the subject property;

(11) At the option of the governmental entity, a stipulation that

such alternative financing contract shall terminate without further monetary obligation on the part of such governmental entity at the close of any fiscal year of such governmental entity in the event sufficient funds shall not have been appropriated or otherwise lawfully set aside to permit the governmental entity to satisfy its obligations under the alternative financing contract during the next succeeding fiscal year of such governmental entity, including during any renewal term under such alternative financing contract; and

(12) Provisions concerning the disposition of the subject property in the event of the expiration, cancellation or termination of an alternative financing contract for any reason (including, without limitation, default by the governmental entity thereunder); including, without limitation, stipulations that upon any such expiration, cancellation or termination of an alternative financing contract under the terms of which either (A) the governmental entity does not have an option to purchase or otherwise to acquire title to the subject property or (B) at the time of such cancellation or termination the governmental entity has not paid in full all amounts specified in such alternative financing contract in order to entitle the governmental entity to title to or transfer of title to the subject property, (i) such governmental entity shall no longer be entitled to claim any title or interest in the subject property as against the grantor party or any person claiming by, through or under the grantor party and the governmental entity shall, at its sole expense, deliver the subject property to the grantor party at a location specified in or pursuant to the alternative financing contract and in such condition as is specified in the alternative financing contract, (ii) in the event the governmental entity shall fail to return the subject property to the grantor party as described in clause (i), the grantor party shall have the right to take possession of the subject property, (iii) in taking possession of the subject property, a grantor party may proceed without judicial process if this can be done without breach of the peace or may proceed by action and/or (iv) without removal, the grantor party may render subject property constituting personal property or fixtures unusable and may dispose of the same on the governmental entity's premises.

(b) If an alternative financing contract contains the terms contained in subdivision (11) of subsection (a) of Section 5 hereof, such alternative financing contract shall be deemed to obligate the governmental entity thereunder only for those sums payable during the then current fiscal year of such governmental entity, including in the case of a renewable alternative financing contract for those sums payable in the individual fiscal year renewal term, and, if and to the extent any constitutional or statutory debt limit is applicable to such governmental entity, such alternative financing contract shall not be deemed to create a debt of such governmental entity within the meaning of any constitutional or statutory provision. Notwithstanding the foregoing, nothing in this section shall diminish the obligation of a governmental entity to pay all

sums payable under such alternative financing contract during the then current fiscal year and to satisfy and discharge all obligations required to be performed under the alternative financing contract during the then current fiscal year of the governmental entity, including in the case of a renewable alternative financing contract those sums payable in the then applicable renewal term and those obligations required to be performed in the then applicable renewal term.

(c) Unless otherwise prohibited by the constitution or statutes of the state, a governmental entity may specify that its obligations under any alternative financing contract shall be a general obligation of such governmental entity or that such obligations shall be payable solely from specified sources. A governmental entity may assign and specifically pledge for the payment of any of its alternative financing contracts constituting general obligations (as additional security therefor) or for the payment of any of its alternative financing contracts constituting limited obligations (as the sole source for the payment thereof), as the case may be, all or any portion of the funds derived from any one or more of the following sources that are not subject to previous pledges or covenants which would prevent the assignment and pledge hereby authorized, that are not required by the laws and constitution of the state to be devoted to other purposes:

(1) The proceeds from any tax (including any ad valorem tax and any occupational, privilege, license or excise tax) that such governmental entity is authorized to levy at the time of execution of such alternative financing contract;

(2) Any payments in lieu of taxes paid or payable to such governmental entity by other governmental units or by private persons or companies pursuant to contractual arrangements or laws in effect at the time of the execution of such alternative financing contract;

(3) The portion of any tax levied and collected by any other governmental entity that shall be apportioned and paid to such governmental entity pursuant to laws in effect at the time of the execution of such alternative financing contract;

(4) The income derived from the investment of moneys lawfully held by such governmental entity; and

(5) The revenues from any revenue-producing properties owned, leased or operated by such governmental entity, including, without limitation thereto, any water system, sewer system, electric distribution system or other utility.

The pledge of any pledged funds for the obligations of a governmental entity under an alternative financing contract pursuant to

this act, together with any covenants of such governmental entity relating to such pledge, shall have the force of contract between such governmental entity and the grantor party or anyone claiming by, through or under the grantor party. To the extent necessary, such pledged funds shall constitute a trust fund or funds which shall be impressed with a lien in favor of the grantor party and any person claiming by, through or under the grantor party. In the event that more than one pledge should be made with respect to any pledged funds, then such pledges shall take precedence in the order in which they are made unless the proceedings making such pledge shall expressly provide that such pledge shall be on a parity with or subordinate to a subsequent pledge of such pledged funds. All alternative financing contracts for which any pledge authorized by the provisions of this chapter may be made shall constitute preferred claims against that portion of the pledged funds so pledged, and shall have preference over any claims for any other purpose whatsoever.

(d) The execution of and performance under an alternative financing contract by a governmental entity shall constitute the exercise of the borrowing power of the governmental entity. Alternative financing contracts shall constitute "other evidences of indebtedness" within the meaning and usage of Section 8-8-7 of the Code of Alabama 1975, as amended.

Section 6. Nothing in this section shall restrict governmental entities from executing contracts arising out of their proprietary functions.

Section 7. The provisions of any alternative financing contract that are either permitted or required to be included therein pursuant to this act shall be valid and enforceable in accordance with their terms notwithstanding any other laws of the state to the contrary. Notwithstanding the foregoing, the laws of the state other than this act shall determine whether a particular alternative financing contract constitutes a lease or a sale of the subject property to the governmental entity with the retention by the grantor party of a security interest and shall determine the applicability of Articles 2, 2A and/or 9 of Title 7 of the Code of Alabama 1975, as amended, to such alternative financing contract.

Section 8. Alternative financing contracts or any interest therein shall be a legal and authorized investment for banks, savings and loan associations, insurance companies, fiduciaries, and trustees.

Section 9. To the extent of any conflict or inconsistency between any provisions of this act and any provisions of any other law as applied to alternative financing contracts entered into in accordance with this act, the provisions of this act shall prevail and control. Subject to the

immediately preceding sentence, this act does and shall be construed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to other laws. Any governmental entity may use the provisions of any other law, not in conflict with the provisions of this act, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this act. Nothing contained in this act shall exempt any governmental entity from the requirements, if applicable, of Section 41-4-115 of the Code of Alabama 1975, as amended.

Section 10. Any grantor party and each person claiming by, through or under a grantor party may conclusively rely on the legal authority of a governmental entity to enter into an alternative financing contract and to perform the obligations of such governmental entity thereunder.

Section 11. It is hereby found, determined and declared that the provisions of this act are declaratory of existing law and the provisions of this act shall not be construed adversely to the legality, authorization or validity of any contract, agreement or arrangement heretofore entered into by any governmental entity.

Section 12. Section 11-80-8, Code of Alabama 1975, as amended, hereby is repealed.

Section 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act, and to this end the provisions of this act are severable.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom

-25

Nays:

- 0

And said Bill, SB 427, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -26

Nays:

- 0

THE BILL:

S. 15. To establish the Parental-Adult Firearms Responsibility Act to further regulate the sale, possession, control, and use of firearms; to define and provide punishment for the felony crimes of criminal storage of a firearm in the first and second degrees when under certain circumstances a child obtains access to a firearm and causes injury or death, respectively; and to provide that this act is supplemental to any law relating to the sale, possession, control, and use of firearms.

was taken up.

On motion of Senator Figures, the Rules were suspended and further consideration of the Bill, SB 15, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Figures requested and received unanimous consent in order to bring up the Bill, SB 136.

Senator Figures, B.I.R., SB 136, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 136. To amend Sections 3, 5, 7, 8, 10, 12, and 13 of Act No. 91-659 of the 1991 Regular Session, appearing as Sections 24-8-3,

24-8-5, 24-8-7, 24-8-8, 24-8-10, and 24-8-12, Code of Alabama 1975, relating to the Alabama Fair Housing Law, to provide further for fair housing.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0
Abstaining 1

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dixon, Figures, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -24

Nays: - 0

Abstaining: Senator Dial - 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Turner:

HJR 153. COMMENDING C. B. JOHNSON OF CITRONELLE, ALABAMA, FOR OUTSTANDING LEADERSHIP AND SERVICE.

Also:

By Reps. Kennedy, Buskey, Clark (W), and Zoghby:

HJR 155. COMMEMORATING THE 50TH ANNIVERSARY OF TABERNACLE BAPTIST CHURCH OF MOBILE.

Also:

By Reps. Kvalheim and Harper:

HJR 157. COMMENDING JUDGE SAM C. POINTER, JR.

Also:

By Reps. Kvalheim, Drake, and Harper:

HJR 158. DESIGNATING MARCH 6, 1993, AS SIGMA CHI DAY IN THE STATE OF ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Windom, the Rules were suspended and the Resolutions, HJR's 153, 155, and 158, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Lindsey, the Rules were suspended and the Resolution, HJR 157, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., SB 404, adopted.

Yeas 20 Nays 10

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, deGraffenried, Dial, Dixon, Floyd, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), and Waggoner -20

Nays:

Senators:

Bailey, Bennett, Campbell, Corbett, Ghee, Horn, Langford, Smith (J), Wilson, and Windom -10

BILLS ON THIRD READING RESUMED

THE BILL:

S. 404. Relating to public schools, providing for a supplemental appropriation from the Alabama Special Educational Trust Fund for the support, maintenance, and development of the public schools of Alabama for the fiscal year ending September 30, 1993.

was taken up.

ADJOURNMENT

At 3:55 P.M., on motion of Senator Corbett, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, SB 404, the Senate adjourned until Tuesday, March 9, 1993, at 2 o'clock P.M.

TWELFTH LEGISLATIVE DAY

TUESDAY, MARCH 9, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Don Hale, Fourth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Eric Brown, Baker High School, Mobile, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Dixon and Smith (B) for today.

RESOLUTIONS

Senator Mitchell requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 53. NAMING "S. A. GRAHAM BOULEVARD" IN BRUNDIDGE, ALABAMA.

WHEREAS, the late Simmie Austin (S. A.) Graham, of Brundidge, Alabama, served with distinction as a member of the Pike County Commission from 1969-1981, as Probate Judge of Pike County, and as vice president of the State Licensing Board for General Contractors; and

WHEREAS, he also was the founder of S. A. Graham Company, Inc., a construction firm based in Brundidge and known, statewide, for the competency, proficiency and integrity of its operation; and

WHEREAS, Mr. Graham, as a dedicated and outstanding community leader, was involved as a member or officer of Springfield Baptist Church, Brundidge Rotary Club, Alabama Roadbuilders Association, Boy Scouts of America and the Board of Directors of the First National Bank of Brundidge; and

WHEREAS, in recognition of Mr. Graham's extraordinary contributions to the City of Brundidge, Pike County and the State of Alabama, it is both fitting and proper that his life and service be commemorated in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in memory and honor of S. A. Graham of Brundidge, Alabama, that portion of Alabama Highway 10 that lies within the city limits of Brundidge, Alabama, and heretofore known as West Troy Street, is hereby named and designated as "S. A. Graham Boulevard."

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers so designating said highway portion as the "S. A. Graham Boulevard," and we

do further provide that a copy of this resolution be forwarded to Mr. Graham's family as a memento of this honorary designation by the Alabama Legislature.

On motion of Senator Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Waggoner requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 54. RECOGNIZING THE 1993 CAHABA GIRL SCOUT LEADERSHIP CONFERENCE, ITS PARTICIPANTS, AND THE ESTABLISHMENT OF THE MILDRED BELL JOHNSON AWARD.

WHEREAS, the "1993 Cahaba Girl Scout Leadership Conference," the first of its kind to be held by the Cahaba Girl Scout Council, is a program designed to introduce Girl Scouts to the basics in networking, to help them develop self-esteem, and to explore career opportunities; and

WHEREAS, the primary goals of this project are to assist Alabama's young women in developing their leadership skills; to provide them with opportunities to learn more about the challenges to be faced on the road to success; to promote personal dedication which will enable them to achieve their personal goals; and to feature role models for them to emulate; and

WHEREAS, the philosophy of "women helping women" is the cornerstone element of the conference, and it is hoped that this program will encourage our state's emerging young women leaders to consider career fields which are looked upon as nontraditional for women; and

WHEREAS, Alabama's most valuable resource is the contribution to our society offered by its many talented citizens, and it is the policy of this body to recognize and commend excellence, especially when evidenced by the youth of our state, who are its future; and

WHEREAS, the Mildred Bell Johnson Award is one which perpetuates the memory of an individual who was dedicated to providing the Girl Scout Program to all races, and this award will henceforth recognize an adult whose life achievements have been attained through association with the Girl Scout movement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend the young women participating in the "1993 Cahaba Girl Scout Leadership Conference," March 10-12, 1993, and in the "Girl Scout of Distinction Luncheon" with its establishment of the Mildred Bell Johnson Award.

BE IT FURTHER RESOLVED, That copies of this resolution be furnished to the Cahaba Girl Scout Council, Leadership Conference participants, and members of the Capitol Press Corps.

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Waggoner and Bennett requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 55. RECOGNIZING BROOKWOOD MEDICAL CENTER FOR OUTSTANDING SERVICE TO THE COMMUNITY SINCE 1973.

WHEREAS, Brookwood Medical Center in Homewood was established in 1973, and is now celebrating 20 years of service in providing excellence in healthcare to countless patients within the community, from throughout the state, and to patients from all over the Southeast; and

WHEREAS, their Women's Medical Center was the first in the state to provide a hospital designed specifically for the medical needs of women, an emphasis which evidences Brookwood's concern and commitment to future generations of Alabamians; and

WHEREAS, in their commitment to care, however, Brookwood has established other centers of excellence, such as their Regional Cancer Institute, the Center for Mental Health and the Eye Institute, as well as an all-inclusive list of services providing state-of-the-art technology for their patients; and

WHEREAS, Brookwood Medical Center further boasts the highest number of laser-certified physicians on staff of any other hospital in the state and, for the past several years, has performed more surgical procedures than any other hospital in Alabama; and

WHEREAS, Brookwood now has 586 licensed beds, up from 288 in 1973, and through continuing growth and quality healthcare, will continue to serve the community, state and Southeast with kindness, compassion and a focus on patient-centered care for generations to come; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most heartily congratulate and commend Brookwood Medical Center on its milestone 20th year of service to the community, and do further direct that the center receive a copy of this resolution, executed in sincere praise of their preeminence in the healthcare field.

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Drake, Morrow, Butler, and Grayson:

HJR 192. EXTENDING THE TIME THAT THE JOINT INTERIM LEGISLATIVE COMMITTEE ON THE FEASIBILITY STUDY ON ESTABLISHING TOLL ROADS FROM HUNTSVILLE TO GULF SHORES, ALABAMA, SHALL REPORT TO THE LEGISLATURE AND EXTENDING THE LIFE OF THE COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Committee on the Feasibility Study on Establishing Toll Roads from Huntsville to Gulf Shores, established pursuant to Act No. 92-107, H.J.R. 151, 1992 Regular Session, shall report its findings, conclusion, and recommendations to the Legislature on or before the thirtieth legislative day of the 1994 Regular Session at which time the committee shall stand dissolved and discharged of any further duties and liabilities.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Rules were suspended and the Resolution, HJR 192, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 208. To prohibit the enactment by local governmental units of ordinances, resolutions, or rules controlling the amount of rent charged for leasing private property.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 427. To authorize the state of Alabama and its agencies, boards, commissions and departments, and counties, municipalities, county boards of education, city boards of education and various other political subdivisions, instrumentalities and public corporations to enter into leases, lease-purchase contracts, installment-purchase contracts and similar agreements and arrangements relating to tangible personal property; to delineate certain mandatory and optional provisions of such leases, contracts, agreements and arrangements; to provide the conditions under which such lease contracts, agreements and arrangements shall be deemed not to create a debt of the lessee or purchaser; to declare certain obligations of the governmental entity and certain rights and remedies of the lessor, grantor or other comparable party under such leases, contracts, agreements and arrangements in the event of expiration, cancellation or termination of such leases, contracts, agreements or arrangements, including the obligation of the governmental entity to return the subject property; to authorize governmental entities to specify that such leases, contracts, agreements or arrangements are general obligations of such governmental entity or are limited obligations of such governmental entity payable from a specified source and to secure such leases, contracts, agreements and arrangements with pledges by governmental entities of taxes levied by such governmental entity, payments in lieu of taxes paid or payable to such governmental entity, taxes apportioned and paid to such governmental entity, income from the investment of moneys lawfully held by such governmental entity and revenues from revenue-producing properties; to declare that such leases, contracts, agreements and arrangements constitute the exercise by such governmental entities of their borrowing power and constitute "evidences of indebtedness" under Section 8-8-7 of the Code of Alabama 1975, as amended, establishing exemptions from usury and similar laws for the bonds, notes, warrants, other evidences of indebtedness or securities of specified governmental entities; to provide that such leases, contracts, agreements and arrangements are legal and authorized investments for banks, savings and loan associations, insurance companies, fiduciaries, and trustees; to provide that such act is declaratory of existing law; to repeal section 11-80-8 of the Code of Alabama 1975, as amended; and to provide an effective date of such act.

DON HALE,
Chairperson.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 499. To amend Section 38-4-12, Code of Alabama 1975, to further provide for the appropriation of the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors.

Committee on Finance
and Taxation

By Senator Denton:

S. 500. To amend Section 9-3-10.1 of the Code of Alabama 1975, to clarify that the expenditure of funds from the Emergency Forest Fire, Insect, and Disease Fund requires approval of the Governor.

Committee on Agriculture,
Conservation, and Forestry

By Senator Barron (With Notice and Proof):

S. 501. Providing that the DeKalb County Commission shall appropriate a certain sum of money each fiscal year to the DeKalb County Rural Water Authority.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 501, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Barron:

S. 502. To provide for an additional penalty for the late payment of ad valorem taxes; and to provide for the deposit of the proceeds, less administrative costs, to the credit of the State Park Fund.

Select Committee on
Fiscal Responsibility

By Senator Barron:

S. 503. To amend Section 8-19-5, Code of Alabama 1975, re-

lating to the Deceptive Trade Practices Act, to add provisions relating to the sales of materially damaged motor vehicles.

Select Committee on
Fiscal Responsibility

By Senator Waggoner (With Notice and Proof):

S. 504. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Hoover in Jefferson County.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 504, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Horn (With Notice and Proof):

S. 505. To provide additional compensation for incidental expenses to members of the board of directors of the Birmingham-Jefferson County Transit Authority pursuant to Section 7 of Act No. 993, H. 1089 of the 1971 Regular Session (Acts 1971, p. 1787) as last amended by Act No. 329, H. 820 of the 1973 Regular Session (Acts 1973, p. 459).

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 505, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Lindsey:

S. 506. To amend Section 36-26-26, Code of Alabama 1975, to provide a layoff procedure for certain state employees.

Committee on Judiciary/Civil

By Senator Little:

S. 507. To exempt all property owned and used by A. U. Ho-

tel, Ltd. from any state, county, and local ad valorem taxes and to provide for a retroactive effect.

Select Committee on
Fiscal Responsibility

By Senators Mitchell and Foshee:

S. 508. To amend Section 40-18-14, Code of Alabama 1975, relating to the definition of gross income for state income tax purposes, to exclude contributions made by a participating employee to an eligible state deferred compensation plan as defined in 26 U.S.C. § 457.

Committee on Finance
and Taxation

By Senator Foshee:

S. 509. To amend Sections 40-25-4 and 40-25-8, Code of Alabama 1975, to remove wholesale dealers who are issued a permit by the Department of Revenue from the time limits for stamp affixation, require that stamps be affixed prior to any sale, and to delete the requirement that products designated for the conduct of interstate business be kept separate from products designated for the conduct of intrastate business.

Committee on Commerce,
Transportation, and Utilities

By Senator Windom:

S. 510. To amend Section 40-10-127 of the Code of Alabama 1975, to require additional county officers to issue the certificate of redemption for lands sold for taxes; and removing the requirement that the county treasurer countersign the certificate of redemption for land sold for taxes.

Committee on Governmental
Affairs/Local Government

RESOLUTION

Senator Parsons requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 56. NAMING THE PORTION OF U. S. HIGHWAY 78 WITHIN THE CITY OF ADAMSVILLE "VETERANS MEMORIAL DRIVE."

WHEREAS, veterans of all wars will be honored on May 1, 1993, during the Founder's Day Celebration in the City of Adamsville; and

WHEREAS, in honor of the contributions of veterans, it is fitting that the portion of U. S. Highway 78 in the City of Adamsville be named "Veterans Memorial Drive"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U. S. Highway 78 in the City of Adamsville is named and designated "Veterans Memorial Drive."

BE IT FURTHER RESOLVED, That the proper officials are authorized and directed to erect and maintain appropriate signs and markers designating the highway.

RESOLVED FURTHER, That copies of this resolution be forwarded to the State Highway Department and to the Mayor of the City of Adamsville.

On motion of Senator Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby (With Notice and Proof):

H. 162. Relating to the government of Class 2 municipalities; to provide further for certain administrative, fiscal, and accounting matters, by amending Sections 11-44C-31, 11-44C-55, 11-44C-56, 11-44C-59, 11-44C-62, and 11-44C-66.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 162, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing

Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 162 - to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Drake and Bowling (With Notice and Proof):

H. 584. Relating to Cullman County; providing further for the compensation of poll workers.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 584, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Collins (With Notice and Proof):

H. 614. Relating to Lamar County; to require the installation and maintenance of an improved system of indexing and recording documents affecting the title to property and other documents recorded in the Office of the Judge of Probate; to provide the collection and disposition of a special indexing and recording fee; and to provide that the system shall constitute official and permanent records in Lamar County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 614, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 584 and 614 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hall, Sanderford, and Butler:

H. 503. To provide that elected county officials in Madison County would be subject to recall.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 503 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carter and Hamilton (With Notice and Proof):

H. 305. Relating to Limestone County; providing further for the distribution of a special recording fee on documents filed in the probate office.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 305, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

**GREG PAPPAS,
Clerk.**

Also:

By Rep. Morrow (With Notice and Proof):

H. 580. Relating to Franklin County; providing for the incorporation of the Franklin County Water Service Authority as a public corporation for the purpose of furnishing water service in a service area that may be extended into one or more other counties by amendment to the certificate of incorporation; providing for the appointment, election, and compensation of directors of the authority; providing for the powers, authorities, and duties of the authority and its board of directors; providing for the establishment, revision, and collection of charges for water facilities or services rendered by it; providing for the assumption by the authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; authorizing any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state to aid and cooperate with, lend, or donate money to, perform services, or transfer any water facility, or other property or asset to the authority; providing that the rendition by the authority of those services or facilities is a governmental function; exempting the authority from all tort liability in connection with water services or facilities; exempting the authority, its property, corporate activities, income, revenues, and securities from all taxation in this state and from the payment of certain charges to Judges of Probate; providing for the use of public roads in the state by the authority; providing for the dissolution of the authority and the disposition of its property; providing for auditing; providing that funds of the authority may be used to aid in applying for available grants; specifically abolishing existing authorities; and specifically repealing Act No. 88-914, S. 222, 1988 Regular Session (1988 Acts, p. 492.)

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 580, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Freeman (With Notice and Proof):

H. 581. To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County to remove certain property from the corporate limits of the city.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 581, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing
Message from the House, were severally read one time and referred to
appropriate Standing Committee, as follows:

HB's 305, 580, and 581 - to the Committee on Local Legislation
No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and
ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (P) (With Notice and Proof):

H. 66. Relating to Morgan County; amending Act No. 78-742,
as amended by Act No. 80-276 so as to further define the terms "sale"
and "sales" and to provide for the collection of the special county
privilege license tax levied by said acts by the Morgan County
Commission instead of the State Department of Revenue.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 66, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing
Message from the House, was read one time and referred to appropriate
Standing Committee, as follows:

HB 66 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Payne (With Notice and Proof):

H. 457. Relating to any Class 8 municipality in Jefferson County; authorizing any Class 8 municipality in Jefferson County as a municipal corporation to establish, purchase, construct, maintain, and operate a cable television system and to furnish cable television service to the residents of the city and surrounding territory; prescribing the corporate powers of the municipality in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by the municipal corporation in connection with the system; providing for the payment of the bonds and other evidences of indebtedness and the rights of the bond holders; and exempting municipal corporations transacting business pursuant to the act from the jurisdiction and control of the Alabama Public Service Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 457, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 457 - to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bugg (With Notice and Proof):

H. 313. Relating to Etowah County; to provide for a uniform

compensation schedule for juvenile probation officers in the Juvenile Court of the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 313, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Hawkins (With Notice and Proof):

H. 599. To authorize the County Commission of Jefferson County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Jefferson County, on all taxable property situated in Jefferson County and within the special school tax district subject to the jurisdiction and control of the Vestavia Hills City Board of Education, the special district ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.51 on each one hundred dollars (15.1 mills on each dollar) of assessed value.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 599, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 313 - to the Committee on Local Legislation No. 1

HB 599 - to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills

and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson:

H. 492. To amend Sections 9 and 11 of Act No. 85-546, Regular Session 1985, as amended by Act No. 87-348, Regular Session 1987, whereby an additional circuit judgeship position was created in the 29th Judicial Circuit, to provide that such position shall first be filled at the general election held in 2000; to provide that the circuit judge elected to this position shall serve a full term of office commencing in January 2001; and to further provide that sufficient funding shall be appropriated to the unified judicial system for fiscal year 2000-2001 for this additional judgeship position.

Also:

By Reps. Freeman, Grayson, and Butler:

H. 625. To revise the procedural requirements for increasing the number of city council districts in a Class 3 municipality.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 492 and 625 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newton (D) (With Notice and Proof):

H. 35. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 35, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Black (M) and Goodwin (With Notice and Proof):

H. 461. Relating to the City of Sheffield in Colbert County; to amend Act 89-196, H. 495 of the 1989 Regular Session (Acts of 1989, p. 247), relating to declaring certain items a public nuisance, to correct a citation and to require the time and location of a meeting regarding the declaration be specified on the posted notice.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 461, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Mathis (With Notice and Proof):

H. 532. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Geneva in Geneva County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 532, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Sanderson, Petelos, Curry, Rogers (F), Gaines, Rogers (J),
Barnes, and Spratt (With Notice and Proof):

H. 642. Relating to the City of Birmingham; to amend Articles V and VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124) as amended, providing for the Retirement and Relief System of the City of Birmingham; providing for benefit increases and contribution reductions; providing for vesting and early retirement options for current participants; providing for additional benefits to retirees; providing for a

one-half of one percent reduction in the contribution of the city and the participants if the fund is found and remains actuarially sound; and providing for an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 642, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 35 and 642 - to the Committee on Local Legislation No. 2

HB's 461 and 532 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Box (With Notice and Proof):

H. 626. Relating to Mobile County; to amend Act No. 92-105, H. 74, 1992 Regular Session, which creates a County Racing Commission, to further define requirements for applicants for benefits under the Mobile County Law Enforcement and Firefighters' Pension Fund.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 626, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 626 - to the Committee on Local Legislation No. 3

REPORTS OF COMMITTEES

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 93. To provide for the effect of reliance by creditors on a written opinion, regulation, or similar notice of the Superintendent of Banks as administrator of Chapter 19, Title 5, Code of Alabama 1975.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Amendment):

S. 122. To mandate conversion rights for an employee, a member, or their dependents under a group policy delivered or issued for delivery in this state which provides hospital, surgical, major medical expense insurance, or a combination thereof, when the employee or member dies or when the group insurance of the employee, member, or a dependent terminates for reasons other than the following: (a) nonpayment of required contributions or (b) replacement of discontinued group coverage with similar group coverage within 31 days; to prescribe certain minimum benefit levels and the scope of coverage contained within the converted policy; to allow for termination of coverage under the converted policy due to an insured becoming eligible for Medicare coverage or coverage pursuant to another group policy or plan; and to allow for optional group coverage in lieu of the issuance of a converted individual policy.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with

a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 493. Relating to surplus lines insurance; to provide for the regulation of surplus lines insurance transactions with insurers who are not licensed to do business in this state by increasing the bond requirements of surplus lines brokers and by increasing the minimum financial condition of eligible surplus lines insurers; and to amend Sections 27-10-24 and 27-10-26, Code of Alabama 1975.

By Reps. Zoghby, Kvalheim, Gaston, Rockhold, Harper, and Buskey:

H. 437. To amend Section 11-62-1 of the Code of Alabama 1975, as amended, which defines terms used in the chapter pertaining to municipal special health care facility authorities, so as to expand the definition of "eligible investment," as used in that chapter.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Owens:

S. 497. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Autauga County Board of Education for the fiscal year ending September 30, 1993.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Floyd:

S. 194. To provide that probate record files be consolidated into one well-bound record book.

By Senator Floyd:

S. 498. To amend Section 11-43B-15, Code of Alabama 1975, relating to the governing bodies of certain Class 4 municipalities; to increase the number of members on boards of education in Class 4 municipalities to seven.

By Senator Denton:

S. 179. To amend Sections 34-37-4 and 34-37-5 of the Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to provide for the duties and compensation of the deputy director.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Horn and Hale:

S. 491. To make a certain supplemental appropriation from the State General Fund to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1993, and to provide that the appropriation shall be used to administer and match certain anticipated funds from a certain federal economic stimulus program for the state Community Development Block Grant Program.

MOTION IN WRITING

Senator Hale offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move that when the Senate adjourns today, they adjourn to meet again at 12:01 a.m. March 10, 1993.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hooper:

HJR 199. CONGRATULATING THE GUILFORD UNDER 10 SOCCER CHAMPIONS.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the

Resolution, HJR 199, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**FURTHER CONSIDERATION OF
MOTION IN WRITING**

The Senate proceeded to further consideration of the Motion in Writing to adjourn until 12:01 A.M.

And said Motion in Writing was read and referred to the Standing Committee on Rules.

RESOLUTION

Senator Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

**SJR 57. COMMENDING R. D. "DOUG" FREEMAN ON
THE OCCASION OF HIS RETIREMENT.**

WHEREAS, in consensus of commendation, the Alabama Legislature most heartily congratulates R. D. "Doug" Freeman of Tillman's Corner, Alabama, on the occasion of his retirement from Liberty National Insurance Company, following a career of some 35 years in the insurance business; and

WHEREAS, Mr. Freeman, who began his career with Southern Life and Health Insurance Company, where he worked for 19 1/2 years, joined Liberty National in 1978 and, in 1981, was the company's top salesman, statewide; and

WHEREAS, in addition, however, to the responsibilities of his employment, Mr. Freeman has also assumed a leadership role in the community as a member of the board of the Tillman's Corner Chamber of Commerce, which honored him as a former "Citizen of the Year"; and

WHEREAS, he further is a member of the Mobile County Water and Fire Protection Board, a member and Deacon of Travis Road Baptist Church, and over the years, has been involved in numerous other areas of concern to Tillman's Corner and Mobile County; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING,** That we hereby commend R. D. "Doug" Freeman of Tillman's Corner, Alabama, for outstanding professional and community leadership, and do further direct that he receive a copy of this resolution of highest personal regard.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 41. CREATING A COMMITTEE TO INVESTIGATE THE MEDICAID CRISIS.

GREG PAPPAS,
Clerk.

**UNFINISHED BUSINESS
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 404. Relating to public schools, providing for a supplemental appropriation from the Alabama Special Educational Trust Fund for the support, maintenance, and development of the public schools of Alabama for the fiscal year ending September 30, 1993.

Senator Corbett offered the following substitute for the Bill, SB 404, to-wit:

SUBSTITUTE FOR SB 404

Relating to public education, providing for a supplemental appropriation from the Alabama Special Educational Trust Fund for the support, maintenance, and development of the public education in Alabama for the fiscal year ending September 30, 1993.

Senator Corbett then offered the following substitute No. 2 for the Corbett substitute No. 1 for the Bill, SB 404, to-wit:

SUBSTITUTE NO. 2 FOR SUBSTITUTE NO. 1 FOR SB 404

Relating to public schools, providing for a supplemental appropriation from the Alabama Special Educational Trust Fund for the support, maintenance, and development of the public schools of Alabama for the fiscal year ending September 30, 1993.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill

with the original Senate Bill, and finds same correctly enrolled, to-wit:

**SJR 41. CREATING A COMMITTEE TO INVESTIGATE
THE MEDICAID CRISIS.**

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF SB 404

The Senate proceeded to further consideration of the Bill, SB 404. The question was on the Corbett substitute No. 2 for the Corbett substitute No. 1.

On motion of Senator Corbett said substitute No. 2 was laid on the table.

On motion of Senator Corbett said substitute No. 1 was laid on the table.

And said Bill, SB 404, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 31 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -31

Nays:

- 0

Senator Dial moved that the Senate reconsider the vote by which the Bill, SB 404, was passed and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF SB 111

The Senate proceeded to further consideration of the Bill:

S. 111. To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

having been postponed on the Seventh Legislative Day. The question was on the Bennett amendment to the Amari substitute, which said amendment and substitute were offered on the Fifth Legislative Day.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 31

SJR 35

SJR 37

SJR 32

SJR 36

SJR 41

SJR 34

Delivered to the Governor, March 9, 1993, at 5:36 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:45 P.M., on motion of Senator Corbett, pending further consideration of the Bill, SB 111, the Senate adjourned until Thursday, March 11, 1993, at 9 o'clock A.M.

THIRTEENTH LEGISLATIVE DAY

THURSDAY, MARCH 11, 1993

The Senate met pursuant to adjournment, President Pro Tempore deGraffenried presiding.

PRAYER

The Session was opened with prayer by Dr. Joe Bob Mizell, Director of Christian Life and Public Affairs, Alabama Baptist State Convention, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Andrea Lindsey, St. Jude Elementary School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom -31

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Hale, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Hale, leave of absence was granted Senators Escott-Russell, Mitchem, Sanders, and Smith (B) for today.

MOTION TO ADJOURN

Senator Hale moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 16, 1993, at 10 o'clock A.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kvalheim, Escott-Russell, Hogan, and Box:

H. 209. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Chiropractic Examiners with certain modifications; to amend Section 34-24-140, Code of Alabama 1975, so as to prohibit the consumer member of the board from being employed in chiropractic or having an immediate family member who is a chiropractor, and to authorize, rather than require, the executive secretary of the board to be a licensee of the board.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 209 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Box, Kvalheim, and Hogan:

H. 210. Relating to the Alabama Sunset Law; to continue the

existence and functioning of the Alabama Board of Examiners in Psychology with certain modifications; to amend Section 34-26-43.1, Code of Alabama 1975, so as to require examination fee sufficient to cover cost of examination of the applicant.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 210 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kvalheim, Box, and Hogan:

H. 212. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-8, 34-9-16, 34-9-43, 34-9-63, and 34-9-64, Code of Alabama 1975, so as to increase certain fees related to dentistry and dental hygiene; clarify the process of issuing dental teaching permits; require the board to publish a list of licensees at certain times; and provide for the issuance of permits for the practice of parenteral sedation.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 212 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kvalheim, Box, and Hogan:

H. 206. Relating to the Alabama Sunset Law; to continue the

existence and functioning of the State Board of Medical Examiners and Medical Licensure Commission with certain modifications; to amend Sections 34-24-70, 34-24-73, 34-24-75, 34-24-83, and 34-24-313, Code of Alabama 1975, so as to rewrite qualifications for applicants for medical licensure, provide for licensure by endorsement of certain physicians, authorize the board to hire paid consultants, and authorize board members to serve the board as paid consultants; and to repeal Sections 34-24-70.1, 34-24-72, 34-24-76, 34-24-77, and 34-24-78, Code of Alabama 1975.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 206 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hogan, Escott-Russell, Kvalheim, and Box:

H. 205. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 205 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Box, Kvalheim, and Hogan:

H. 213. Relating to the Alabama Sunset Law; to continue the

existence and functioning of the Alabama Board of Optometry with certain modifications; to amend Sections 34-22-4, 34-22-20, 34-22-40, 34-22-41, and 34-22-42, Code of Alabama 1975, so as to delete references to hard contact lenses, require applicants to complete educational requirements before taking the exam, increase the exam fee, add two members to the board, increase the daily reimbursement of board members, and authorize the executive director to be a licensee of the board.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 213 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Box, Kvalheim, and Hogan:

H. 207. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board with certain modifications; to amend Section 34-37-15, Code of Alabama 1975, so as to allow certain repairs by the owner and occupier of property.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 207 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hogan, Box, and Kvalheim:

H. 208. Relating to the Alabama Sunset Law; to continue the

existence and functioning of the Alabama Board of Examiners For Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-21 and 34-28A-40, Code of Alabama 1975, so as to provide further for the qualifications of applicants for licensure by the board, and to require that not more than one member from any United States Congressional District shall be appointed to serve on the board at the same time.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 208 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hogan, Box, and Kvalheim:

H. 214. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Section 34-24-194, Code of Alabama 1975, so as to authorize, rather than require, the revocation by the board of a license for certain violations of board licenses.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 214 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kvalheim, Box, and Hogan:

H. 215. Relating to the Alabama Sunset Law; to continue the

existence and functioning of the Alabama State Board of Veterinary Medical Examiners with certain modifications; to amend Section 34-29-69, Code of Alabama 1975, so as to authorize the board to regulate by rule and regulation the advertising or solicitation of veterinary services by its licensees.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 215 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kvalheim, Box, and Hogan:

H. 218. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing with certain modifications; to amend Section 34-21-25, Code of Alabama 1975, so as to establish a voluntary disciplinary alternative program for impaired licensees.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 218 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Hogan, Box, and Kvalheim:

H. 217. Relating to the Alabama Sunset Law; to continue the

existence and functioning of the Board of Podiatry with certain modifications; to amend Sections 34-24-250 and 34-24-252, Code of Alabama 1975, so as to require one black member on the board and authorize the board to hire an executive secretary.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 217 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Hogan, Box, and Kvalheim:

H. 211. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators with certain modifications; to amend Sections 34-20-4, 34-20-9, 34-20-10, 34-20-11, 34-20-12, and 34-20-13, Code of Alabama 1975, so as to add a consumer member to the board, require that not more than one board member from any United States Congressional District be appointed to serve at the same time and stagger terms of board members; allow the board to set its fees by rule and regulation; and to authorize certain additional fees.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 211 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Box, Kvalheim, and Hogan:

H. 219. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy with certain modifications; to amend Sections 20-2-90, 34-23-90, and 34-23-91, Code of Alabama 1975, so as to provide requirements for drug inspection of the board, add two members to the board, provide further for the nomination and election of board members, and provide further for reimbursement for relief pharmacists.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 219 - to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Box, Escott-Russell, Kvalheim, and Hogan:

H. 216. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission with certain modifications; to amend Section 34-27-32, Code of Alabama 1975, so as to remove the requirement that company or broker licensees maintain a place of business in state.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 216 - to the Committee on Economic Affairs

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 4th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Ms. Mary Auburtin from Marion, Alabama to the Cahaba Trace Commission. She will be representing Perry County and her term will expire on December 31, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 4th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,
G. DENNIS NABORS,
Chief of Staff.

Done this 4th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Mr. Ralph R. Norman, III from Fort Deposit, Alabama to the Cahaba Trace Commission. He will be representing Lowndes County and his term will expire on December 31, 1996.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 4th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,
G. DENNIS NABORS,
Chief of Staff.

Done this 4th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Mary Fuzzell from Centreville, Alabama to the Cahaba Trace Commission replacing Collene Parker. She will be representing Bibb County and her term will expire on December 31, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 4th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 4th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Mary Ann

Neely from Montgomery, Alabama to the Cahaba Trace Commission replacing Mrs. Wallace Darneille. She will be representing Montgomery County and her term will expire on December 31, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 4th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 4th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Alfred C. Carraway from Cropwell, Alabama to the Cahaba Trace Commission replacing Mayor James Sollie. He will be representing St. Clair County and his term will expire on December 31, 1994.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 4th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 4th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mr. Jack Crouch from Birmingham, Alabama to the Cahaba Trace Commission replacing Judge Emory Anthony. He will be representing Jefferson County and his term will expire on December 31, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 4th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, rel-

ative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 4th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Mrs. Geneva Givhan from Marion, Alabama to the Cahaba Trace Commission replacing Dr. Thomas Wilson. She will be representing Perry County and her term will expire on December 31, 1994.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 4th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

CERTIFICATION OF ELECTION

In the Name and by the Authority of the STATE OF ALABAMA

I, Billy Joe Camp, Secretary of State of the State of Alabama, in accordance with the Constitution and the laws of the State of Alabama, do hereby certify as duly elected:

**THE HONORABLE
SUNDRA ESCOTT-RUSSELL
to the
ALABAMA SENATE
DISTRICT 20**

on the Ninth Day of March, 1993, according to the election returns filed with the Secretary of State.

In Witness Whereof, I have hereunto
set my hand and affixed the Great
Seal of the State of Alabama, at the
State Capitol in the City of
Montgomery, Alabama, on this date.

March 11, 1993

Date

BILLY JOE CAMP
Secretary of State.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 4th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, Ms. Jean D.

Rosene from Tuscaloosa, Alabama to the Cahaba Trace Commission replacing Regina Atkins. She will be representing Tuscaloosa County and her term will expire on December 31, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 4th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 4th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I have re-appointed, subject to your confirmation, Ms. Elise Blackwell from Selma, Alabama to the Cahaba Trace Commission. She will be representing Dallas County and her term will expire on December 31, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 4th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a re-appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Rogers (J):

HJR 165. MOURNING THE DEATH OF CHRIS JONES OF BIRMINGHAM, ALABAMA.

Also:

By Rep. Goodwin:

HJR 166. MOURNING THE DEATH OF BILLY HUGH BOWLING OF MUSCLE SHOALS, ALABAMA.

Also:

By Reps. Ford, Bugg, and Smith (R):

HJR 167. NAMING THE GADSDEN STATE COMMUNITY COLLEGE FISHERY SCIENCE DIAGNOSTIC LABORATORY THE "DONALD R. SMITH FISHERY SCIENCE DIAGNOSTIC LABORATORY."

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 165, 166, and 167, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 169. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, February 25, 1993, they adjourn to meet again on Tuesday, March 2, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 169, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McClain, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 183. MOURNING THE DEATH OF ROBERT PETERSON, JR., OF BIRMINGHAM, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 183, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Knight (A), Hill, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 161. MOURNING THE DEATH OF BILL ERNEST OF MONTEVALLO, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 161, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Laird:

HJR 191. MEMORIALIZING CONGRESS AND THE PRESIDENT TO WORK WITH THE BUSINESS COMMUNITY TO ACHIEVE A FAIR AND REASONABLE URUGUAY ROUND TRADE

AGREEMENT IN TEXTILES AND APPAREL.

WHEREAS, the proposal currently on the table in the Uruguay Round talks of the General Agreement on Tariffs and Trade (GATT) would eliminate the Multifiber Arrangement (MFA) over the next ten years; and

WHEREAS, economists estimate that this proposal would cost at least 700,000 American textile and apparel jobs, including thousands of jobs in Alabama; and

WHEREAS, it is apparent that the American textile and apparel industries would have a far better chance of competing under the current MFA than they would under the fatally flawed Uruguay Round textile proposal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Members of Congress from Alabama call on President Clinton to abandon the Uruguay Round textile proposal, keep the current Multifiber Arrangement in place, and, if there are future textile negotiations, seek a new approach to international trade in textiles and apparel which insists on opening markets worldwide and requires that trade take place under equitable conditions of competition, including environmental protection and basic human rights for workers, as a condition for any further opening of our market.

BE IT FURTHER RESOLVED, That the Alabama Legislature urges its congressional delegation to support such a trade policy based on reciprocity and fairness in order to level the playing field for international textile and apparel trade and enable the U. S. industry to effectively compete in the global marketplace and maximize long-term job opportunities for American workers, including the 102,000 Alabamians presently employed in the industry.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to each member of the Alabama congressional delegation.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 191, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Parker (T):

HJR 194. MOURNING THE DEATH OF EHNEY A. CAMP, JR., OF BIRMINGHAM, ALABAMA.

Also:

By Rep. Haynes:

HJR 193. OFFICIALLY DESIGNATING KATHERINE SMYTHE OF MEMPHIS, TENNESSEE, AS "MISS KATHERINE" IN THE STATE OF ALABAMA.

Also:

By Reps. Gaston, Kvalheim, Zoghby, and Turner:

HJR 195. COMMENDING SARAH LONG DAMSON OF MOBILE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Reps. Grayson, Sanderford, Freeman, Hall, and Haney:

HJR 197. COMMENDING LULA GULLETTE JONES FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE TEACHING PROFESSION.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, HJR's 194, 193, 195, and 197, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 186. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, March 4, 1993, they adjourn to meet again on Tuesday, March 9, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 186, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. White:

HJR 152. REQUESTING THE FBI TO REOPEN THE INVESTIGATION OF THE 1972 ASSASSINATION ATTEMPT ON THEN ALABAMA GOVERNOR GEORGE C. WALLACE.

WHEREAS, then Alabama Governor George C. Wallace was the leading Democratic candidate for President in 1972 when he was injured and paralyzed by a would-be assassin; and

WHEREAS, there has always been speculation by many, including those in law enforcement, that his assailant was not acting alone; and

WHEREAS, partial White House tapes recently revealed have raised new questions concerning this tragic event in American presidential politics; and

WHEREAS, the prosecutor of Arthur Bremer, the assailant of then Governor Wallace, indicated in May 1992, that in his professional judgment, there was more of a conspiracy in the assassination attempt on then Governor Wallace than in the actual assassination of President John F. Kennedy; and

WHEREAS, the assailant of the then Alabama Governor George C. Wallace was a 21-year-old man with no visible means of support, he travelled by plane, limousine, and helicopter, and also stayed in some of the finest hotels in this country, raises serious questions about how he could afford those luxuries for the months he stalked then Governor Wallace; and

WHEREAS, some of Alabama's most influential daily newspapers have within the last few weeks called for a reopening of the FBI investigation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the FBI to officially reopen the investigation of the assassination attempt on former Alabama Governor George C. Wallace.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Director of the FBI so that he may know of our deep commitment in making certain justice is served.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolution, HJR 152, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Corbett, Floyd, Bennett, Lindsey, Sanders, and Little:

S. 455. To provide that desecration of a place of burial, including an American Indian place of burial, is a Class C felony.

By Senator Corbett:

S. 479. To amend Section 40-21-82.1, Code of Alabama 1975, relating to the utilities tax, to exempt the Bakerhill Water Authority for the levy of the tax.

By Senators Corbett, Campbell, Parsons, Floyd, Wilson, Horn, Windom, Denton, Bennett, Ghee, Lindsey, Waggoner, Figures, and Foshee:

S. 484. To create the Alabama Industrial Development Training Institute Board of Trustees to supervise the activities of the institute and to appoint its director.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Substitute):

S. 120. To prohibit any person from willfully or knowingly preventing, obstructing, impeding, disturbing, or interfering or the attempt to prevent, obstruct, impede, disturb or interfere or attempt to prevent, obstruct, impede, disturb or interfere with any person legally hunting, trapping, or fishing in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama; to provide for misdemeanor penalties for violating this act.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 470. To amend Sections 13A-6-66 and 13A-6-67, Code of Alabama 1975, which relate to the crimes of sexual abuse in the first and second degrees, so as to increase the punishment for both crimes.

By Rep. Carothers:

H. 3. To provide for certain crimes and offenses relating to animals and research, agricultural, or educational facilities relating to animals; and to provide penalties, restitution, and injunctive relief.

By Rep. Carothers:

H. 4. To establish as a Class "C" felony the unlawful, wanton, or malicious killing or disabling of livestock of another; to allow in addition, the collection of damages in an amount double the value thereof; to define livestock.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Floyd:

S. 418. To repeal Section 36-21-4.1 of the Code of Alabama 1975, which relates to overtime compensation for a deputy sheriff.

By Senators Bennett and Bolling:

S. 439. Authorizing county commissions to provide local salary supplements and increases in the supplements for members of county boards of registrars.

By Senator Denton:

S. 482. Relating to the execution of contracts for the construction of public works and public improvements; to amend Sections 39-2-2, 39-2-3, 39-2-9, and 39-2-12, Code of Alabama 1975, relating to competitive bids on public contracts; to increase the amount requiring formal advertising and bids; to eliminate the five dollar proposal fee; to provide for the fee and deposits for plans and specifications; to increase the maximum amount for bid bonds; to extend the period of time allowed for approval of the bond and execution of the contract; and to allow payment for materials suitably stored off the job site.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Owens, Bedsole, Dial, Bailey, Waggoner, Bolling, Mitchem, deGraffenried, Smith (J), Ellis, Lipscomb, Barron, Floyd, Windom, Foshee, Hill, Hale, Smith (B), and Dixon (With Substitute):

S. 331. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; to provide for the rebuttable presumptions of good faith.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 509. To amend Sections 40-25-4 and 40-25-8, Code of Ala-

bama 1975, to remove wholesale dealers who are issued a permit by the Department of Revenue from the time limits for stamp affixation, require that stamps be affixed prior to any sale, and to delete the requirement that products designated for the conduct of interstate business be kept separate from products designated for the conduct of intrastate business.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Barron:

S. 502. To provide for an additional penalty for the late payment of ad valorem taxes; and to provide for the deposit of the proceeds, less administrative costs, to the credit of the State Park Fund.

By Senator Barron:

S. 503. To amend Section 8-19-5, Code of Alabama 1975, relating to the Deceptive Trade Practices Act, to add provisions relating to the sales of materially damaged motor vehicles.

By Senator Little:

S. 507. To exempt all property owned and used by A. U. Hotel, Ltd. from any state, county, and local ad valorem taxes and to provide for a retroactive effect.

By Senator Hale:

S. 465. To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

REPORT FROM RULES

Senator Hale, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

HJR 20. ESTABLISHING THE YOUTH GANG VIOLENCE COMMISSION.

Also:

HJR 6. RECOGNIZING LOONEY'S TAVERN ENTERTAIN-

MENT COMPLEX, AND DESIGNATING "THE INCIDENT AT LOONEY'S TAVERN" AS ALABAMA'S OFFICIAL OUTDOOR MUSICAL DRAMA.

Also:

HJR 83. COMMENDING SENATOR HOWELL HEFLIN FOR HIS EFFORTS TO REDUCE THE FEDERAL DEFICIT.

Also:

HJR 84. COMMENDING WILLIAM H. DUNN, COMMANDING OFFICER, NAVAL STATION MOBILE.

Also:

HJR 85. CONGRATULATING MR. AND MRS. CLAUDE BRANUM ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

And on motion of Senator Hale, said Resolutions, HJR's 20, 6, 83, 84, and 85, were concurred in and adopted by the Senate.

REPORTS FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Wayne D. Rutledge to the Board of Public Accountancy

On motion of Senator Foshee, the appointment of Mr. Rutledge was confirmed by the Senate.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, and Parsons -22

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on

the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. John McReynolds to the Board of Public Accountancy

On motion of Senator Foshee, the appointment of Mr. McReynolds was confirmed by the Senate.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, and Parsons -22

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. Kenneth Tucker to the Board of Appeals for the Department of Industrial Relations

On motion of Senator Foshee, the re-appointment of Mr. Tucker was confirmed by the Senate.

Yeas 23 Nays 0

Yeas:

Senators:

Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Wilson, and Windom -23

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. James R. Jones to the State Banking Board

On motion of Senator Foshee, the re-appointment of Mr. Jones was confirmed by the Senate.

Yeas 23 Nays 0

Yeas:

Senators:

Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Wilson, and Windom -23

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. W. R. Collins to the State Banking Board

On motion of Senator Foshee, the re-appointment of Mr. Collins was confirmed by the Senate.

Yeas 23 Nays 0

Yeas:

Senators:

Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Wilson, and Windom -23

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Katherine B. Romans to the Crime Victims Compensation Commission

On motion of Senator Foshee, the appointment of Ms. Romans was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Waggoner, Wilson, and Windom -18

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Con-

firmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Henry B. Gray to the State Ethics Commission

On motion of Senator Corbett, the appointment of Mr. Gray was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Waggoner, Wilson, and Windom -18

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Jeanne Weaver to the Board of Human Resources

On motion of Senator Foshee, the appointment of Mrs. Weaver was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Waggoner, Wilson, and Windom -18

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Cedric Flowers to the Institute for the Deaf and Blind Board of Trustees

On motion of Senator Foshee, the appointment of Mr. Flowers was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Waggoner, Wilson, and Windom -18

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. Calvin Wooten to the Institute for the Deaf and Blind Board of Trustees

On motion of Senator Foshee, the re-appointment of Mr. Wooten was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Waggoner, Wilson, and Windom -18

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Janet L. Rich Pittman to the Institute for the Deaf and Blind Board of Trustees

On motion of Senator Foshee, the appointment of Mrs. Pittman was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Waggoner, Wilson, and Windom -18

Nays:

- 0

REGULAR SESSION
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Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Billy Warren to the Institute for the Deaf
and Blind Board of Trustees

On motion of Senator Foshee, the appointment of Mr. Warren was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Waggoner, Wilson, and Windom

-18

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. John H. Bowen to the Board of
Examiners of Landscape Architects

On motion of Senator Foshee, the appointment of Mr. Bowen was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Waggoner, Wilson, and Windom

-18

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Sergeant Fredrick G. Sides to the State
Polygraph Examiners Board

On motion of Senator Foshee, the re-appointment of Sergeant Sides was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Ellis, Figures, Floyd, Foshee, Horn, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Waggoner, Wilson, and Windom -18

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Lieutenant Jimmy Flanagan to the State Polygraph Examiners Board

On motion of Senator Foshee, the re-appointment of Lieutenant Flanagan was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Ellis, Figures, Floyd, Foshee, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, and Wilson -18

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. Vernon Pegram to the State Polygraph Examiners Board

On motion of Senator Foshee, the re-appointment of Mr. Pegram was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Ellis, Figures, Floyd, Foshee, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, and Wilson -18

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on

the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Re-appointment of Mr. Pyron G. Pound to the State Polygraph Examiners Board

On motion of Senator Foshee, the re-appointment of Mr. Pound was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Corbett, deGraffenried, Ellis, Figures, Floyd, Foshee, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, and Wilson -18

Nays:

- 0

RESOLUTION

Senators Amari, Parsons, Horn, Bennett, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Little, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

SJR 58. MOURNING THE DEATH OF JAMES THOMAS "JABO" WAGGONER, SR.

WHEREAS, it is with deep and abiding sorrow that the Alabama Legislature records the death of James Thomas "Jabo" Waggoner of Walker County, Alabama, on October 20, 1992, at the age of 85 years; and

WHEREAS, a graduate of Ensley High School and an alumnus of Birmingham-Southern College, Jabo Waggoner was a distinguished public servant, an astute politician and a staunch conservative whose honesty, forthrightness and courage of conviction earned the highest regard of his fellow citizens, and the love of his fellowman; and

WHEREAS, Mr. Waggoner, as a public servant, was a former prison guard, district supervisor, superintendent of street and sanitation, commissioner, and administrative assistant on the Alabama Public Service Commission; his service in each of these capacities was exemplary in every respect, thereby impacting greatly to the good and well-being of the City of Birmingham and the State of Alabama; and

WHEREAS, equally as impressive was Mr. Waggoner's political

career, which dated from the depression years and his involvement in the race by his father-in-law, F. O. Harris, for judge of Ensley, Wylam, Fairfield and Pratt City, to recent years and his service as chairman of the Walker County Republican Party and delegate to the 1988 and 1992 Republican presidential conventions; and

WHEREAS, Mr. Waggoner, in his own political races, ran always as a Democrat to win elections in 1956, 1958 and 1962 to the City Commission; his interest in politics, however, never lessened, nor did his innate conservatism ever change; and

WHEREAS, but above all, and more importantly, Jabo Waggoner was a devout Christian who instilled his beliefs in his family--his beloved wife, Nell; his children, Jabo Waggoner, Jr., and Ann Waggoner Pyburn; and his loving grandchildren, all of whom came foremost in his life and in whom he was justly proud; and

WHEREAS, James T. "Jabo" Waggoner was indeed one of our state's most prominent citizens, whose lifelong accomplishments were legion, and our lives are immeasurably better for his having lived; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of James Thomas "Jabo" Waggoner, and do further extend heartfelt sympathy to all his family, for whom copies of this resolution shall be provided that they may know we sincerely share the sorrow of their loss.

On motion of Senator Amari, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 111. To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

and pending Bennett amendment to the Amari substitute, which said amendment and substitute were offered on the Fifth Legislative Day.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Wilson:

S. 511. To amend Section 12-18-5 of the Code of Alabama

1975, to allow certain justices and judges to purchase credit in the Judicial Retirement Fund for a certain amount of military service.

Committee on Finance
and Taxation

By Senator Wilson:

S. 512. To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

Committee on Finance
and Taxation

By Senators Parsons and Ellis:

S. 513. To provide for a retention vote for judges to be held at the end of each elected six year term of office and to provide for a general election on a nonpartisan basis for judges who were voted against for retention.

Committee on Economic Affairs

By Senators deGraffenried, Figures, Little, Dial, Ghee, Bedsole, Denton, Waggoner, Bennett, Floyd, Amari, Sanders, Parsons, Owens, Barron, Dixon, Smith (B), Bailey, Bolling, Campbell, Foshee, Langford, Lindsey, Lipscomb, Windom, Smith (J), Mitchell, Wilson, Ellis, Horn, Hill, and Escott-Russell:

S. 514. To amend Sections 16-5-8, 16-5-9, and 16-5-10, Code of Alabama 1975, relating to the Alabama Commission on Higher Education, so as to provide for a uniform articulation agreement among all institutions of higher education; an examination for rising juniors and students receiving certificates, diplomas or degrees from two-year institutions; a remedial education program; guidelines for new construction; program viability standards; a moratorium on new institutions of higher education or new branches of existing institutions of higher education; and a mechanism whereby the commission will not recommend budgets which violate these facility guidelines.

Committee on Finance
and Taxation

By Senators Ghee, Little, Bennett, Dial, Ellis, Parsons, Bolling, Wilson, Amari, Lipscomb, Windom, Hale, Floyd, Langford, and Bailey:

S. 515. Relating to the Ethics Law; to define and redefine

certain terms and to amend certain provisions to conform with these definitions; to permit the Ethics Commission to investigate complaints on its own initiative; to remove the prohibition against investigating anonymous complaints; to require the recordation of anonymous complaints; to permit the commission to employ an attorney with certain powers; to specify existing advisory opinions would prevail until superseded; to regulate public statements of members and employees of the commission concerning complaints and investigations and to specify criminal penalties for violations; to grant the commission certain subpoena powers; to increase the minimum salary at which a public employee is required to file a statement of economic interests; to provide for the certification by the commission to the proper election officer of the name of a candidate who failed to properly file a statement and to require the removal of the name of the candidate from the ballot; to prohibit public officials and public employees and members of their families and businesses with which they are associated from receiving compensation to lobby; to prohibit public officials or public employees from being associated with certain businesses; to prevent former public officials and public employees from lobbying and contracting with public agencies for a certain time; to levy a registration fee on lobbyists; to toll the statute of limitations in certain instances; to provide certain employment protection and civil remedies to persons filing a complaint; to specify that any person who is a public official or public employee as defined by this act, would be subject to this act; to amend Sections 36-25-1, 36-25-2, 36-25-4, 36-25-5, 36-25-6, 36-25-7, 36-25-12, 36-25-13, 36-25-14, 36-25-15, 36-25-17, 36-25-18, 36-25-27, and 36-25-30, Code of Alabama 1975; and to repeal Section 36-25-24, Code of Alabama 1975, which required a citizen to initially file a complaint against a public official or public employee with the commission.

Committee on Constitution
and Elections

By Senator Wilson:

S. 516. To amend Section 32-6-150 of the Code of Alabama 1975, relating to the issuance and sale of commemorative license tags for motor vehicles, to authorize the issuance and sale of the tags for motorcycles.

Committee on Finance
and Taxation

By Senator Horn:

S. 517. Relating to the Teachers' Retirement System; reopening the system for purchase of up to six years of service credit by certain active members; providing for the manner of payment of the cost of the

prior service credit and providing for the expiration of the reopening period.

Committee on Finance
and Taxation

By Senator Wilson:

S. 518. Relating to political contributions, limiting contributions to political committees, candidates, and principal campaign committees; specifying criminal penalties; and repealing Sections 10-2A-70.1 and 10-2A-70.2, Code of Alabama 1975.

Committee on Finance
and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolution, your signature thereto is requested.

H. 88. Relating to veterans' nursing homes and veterans' homes, amending Sections 22-21-260 and 22-21-277, Code of Alabama 1975, to include certain veterans' nursing homes and veterans' homes within the definition of a health care facility requiring a certificate of need.

Also:

HJR 199. CONGRATULATING THE GUILFORD UNDER 10 SOCCER CHAMPIONS.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 153. COMMENDING C. B. JOHNSON OF CITRONEL-

LE, ALABAMA, FOR OUTSTANDING LEADERSHIP AND SERVICE.

Also:

HJR 155. COMMEMORATING THE 50TH ANNIVERSARY OF TABERNACLE BAPTIST CHURCH OF MOBILE.

Also:

HJR 157. COMMENDING JUDGE SAM C. POINTER, JR.

Also:

HJR 158. DESIGNATING MARCH 6, 1993, AS SIGMA CHI DAY IN THE STATE OF ALABAMA.

Also:

HJR 159. COMMENDING CHERYL D. BANKSTON OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

HJR 160. COMMENDING LYN STUART OF BAY MINETTE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 162. COMMENDING PHYLLIS SCHLAFLY OF ILLINOIS FOR EXTRAORDINARY VOLUNTEER SERVICE AND LEADERSHIP.

Also:

HJR 163. COMMENDING THE REVEREND LEON RILEY OF ALEXANDER CITY, ALABAMA.

Also:

HJR 175. CONGRATULATING MR. AND MRS. RANDY LEE COX OF MONTGOMERY, ALABAMA, ON THE BIRTH OF THEIR SON, MATTHEW REEVES COX, ON MARCH 2, 1993.

Also:

HJR 176. CONGRATULATING THE SPARKMAN HIGH

SCHOOL LADY SENATORS ON THEIR NATIONAL CHEER-LEADING CHAMPIONSHIP.

Also:

HJR 178. COMMEMORATING THE LIFE AND SERVICE OF THE LATE CECIL MONROE TUCKER.

Also:

HJR 179. COMMENDING LUTHER MARTIN MOATES OF ENTERPRISE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS AND ACHIEVEMENT.

Also:

HJR 180. COMMEMORATING THE LIFE AND SERVICE OF THE LATE WILLIE J. AKRIDGE OF CALERA, ALABAMA (1929-1992).

Also:

HJR 185. RECOGNIZING BARBECUE CHEF TODD PAGE OF HAMILTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 192. EXTENDING THE TIME THAT THE JOINT INTERIM LEGISLATIVE COMMITTEE ON THE FEASIBILITY STUDY ON ESTABLISHING TOLL ROADS FROM HUNTSVILLE TO GULF SHORES, ALABAMA, SHALL REPORT TO THE LEGISLATURE AND EXTENDING THE LIFE OF THE COMMITTEE.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 47. COMMENDING ROBERT W. HAGER OF HUNTSVILLE, ALABAMA.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF SB 111

The Senate proceeded to further consideration of the Bill, SB 111. The question was on the Bennett amendment to the Amari substitute.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

SJR 47. COMMENDING ROBERT W. HAGER OF HUNTSVILLE, ALABAMA.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 6. RECOGNIZING LOONEY'S TAVERN ENTERTAINMENT COMPLEX, AND DESIGNATING "THE INCIDENT AT LOONEY'S TAVERN" AS ALABAMA'S OFFICIAL OUTDOOR MUSICAL DRAMA.

Also:

HJR 20. ESTABLISHING THE YOUTH GANG VIOLENCE COMMISSION.

Also:

HJR 83. COMMENDING SENATOR HOWELL HEFLIN FOR HIS EFFORTS TO REDUCE THE FEDERAL DEFICIT.

Also:

HJR 84. COMMENDING WILLIAM H. DUNN, COMMANDING OFFICER, NAVAL STATION MOBILE.

Also:

HJR 85. CONGRATULATING MR. AND MRS. CLAUDE BRANUM ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

HJR 152. REQUESTING THE FBI TO REOPEN THE INVESTIGATION OF THE 1972 ASSASSINATION ATTEMPT ON THEN ALABAMA GOVERNOR GEORGE C. WALLACE.

Also:

HJR 161. MOURNING THE DEATH OF BILL ERNEST OF MONTEVALLO, ALABAMA.

Also:

HJR 165. MOURNING THE DEATH OF CHRIS JONES OF BIRMINGHAM, ALABAMA.

Also:

HJR 166. MOURNING THE DEATH OF BILLY HUGH BOWLING OF MUSCLE SHOALS, ALABAMA.

Also:

HJR 167. NAMING THE GADSDEN STATE COMMUNITY COLLEGE FISHERY SCIENCE DIAGNOSTIC LABORATORY THE "DONALD R. SMITH FISHERY SCIENCE DIAGNOSTIC LABORATORY."

Also:

HJR 169. RELATIVE TO MEETING DAYS.

Also:

HJR 183. MOURNING THE DEATH OF ROBERT PETERSON, JR., OF BIRMINGHAM, ALABAMA.

Also:

HJR 186. RELATIVE TO MEETING DAYS.

Also:

HJR 193. OFFICIALLY DESIGNATING KATHERINE SMYTHE OF MEMPHIS, TENNESSEE, AS "MISS KATHERINE" IN THE STATE OF ALABAMA.

Also:

HJR 194. MOURNING THE DEATH OF EHNEY A. CAMP, JR., OF BIRMINGHAM, ALABAMA.

Also:

HJR 191. MEMORIALIZING CONGRESS AND THE PRESIDENT TO WORK WITH THE BUSINESS COMMUNITY TO ACHIEVE A FAIR AND REASONABLE URUGUAY ROUND TRADE AGREEMENT IN TEXTILES AND APPAREL.

Also:

HJR 195. COMMENDING SARAH LONG DAMSON OF MOBILE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

HJR 197. COMMENDING LULA GULLETTE JONES FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE TEACHING PROFESSION.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 53. NAMING "S. A. GRAHAM BOULEVARD" IN BRUNDIDGE, ALABAMA.

Also:

SJR 54. RECOGNIZING THE 1993 CAHABA GIRL SCOUT LEADERSHIP CONFERENCE, ITS PARTICIPANTS, AND THE ESTABLISHMENT OF THE MILDRED BELL JOHNSON AWARD.

Also:

SJR 55. RECOGNIZING BROOKWOOD MEDICAL CENTER FOR OUTSTANDING SERVICE TO THE COMMUNITY SINCE 1973.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF SB 111

The Senate proceeded to further consideration of the Bill, SB 111. The question was on the Bennett amendment to the Amari substitute.

RECESS

At 11:55 A.M., on motion of Senator Hale, the Senate took a recess until 1:30 P.M.

At 1:30 P.M., the recess period having expired, the Senate was called to order by President Pro Tempore deGraffenried. A quorum of the Senate was present.

FURTHER CONSIDERATION OF SB 111

The Senate proceeded to further consideration of the Bill, SB 111. The question was on the Bennett amendment to the Amari substitute.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 53. NAMING "S. A. GRAHAM BOULEVARD" IN BRUNDIDGE, ALABAMA.

Also:

SJR 55. RECOGNIZING BROOKWOOD MEDICAL CENTER FOR OUTSTANDING SERVICE TO THE COMMUNITY SINCE 1973.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

SJR 54. RECOGNIZING THE 1993 CAHABA GIRL SCOUT LEADERSHIP CONFERENCE, ITS PARTICIPANTS, AND THE ESTABLISHMENT OF THE MILDRED BELL JOHNSON AWARD.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF SB 111

The Senate proceeded to further consideration of the Bill, SB 111. The question was on the Bennett amendment to the Amari substitute.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and

House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 47

Delivered to the Governor, March 11, 1993, at 10:50 A.M.

SJR 53

SJR 54

SJR 55

Delivered to the Governor, March 11, 1993, at 2:35 P.M.

**McDOWELL LEE,
Secretary of Senate.**

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 2:20 P.M., on motion of Senator Hale, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, SB 111, the Senate adjourned until Tuesday, March 16, 1993, at 10 o'clock A.M.

FOURTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 16, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Mac Parsons, Seventeenth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Trent Moore, Parrish High School, Walker County, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Dial for today.

MOTION IN WRITING

Senator deGraffenried requested and received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

MOTION IN WRITING

I move that when the Senate adjourns today, they adjourn to meet again at 12:01 a.m. March 17, 1993.

Which was read and referred to the Standing Committee on Rules.

RESOLUTION

Senator Bedsole requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 59. INVITING A. MICHAEL ESPY, THE UNITED STATES SECRETARY OF AGRICULTURE, TO ADDRESS THE LEGISLATURE.

WHEREAS, agriculture reigns as the premier industry in Alabama; and

WHEREAS, Secretary Mike Espy is from the neighboring State of Mississippi; and

WHEREAS, he is the first Secretary of Agriculture from the South; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most cordially invite Secretary A. Michael Espy of the United States Department of Agriculture to address the Alabama Legislature on March 18, 1993, at 1:30 p.m., at which time the Legislature will convene in joint session to hear Secretary Espy's remarks.

BE IT FURTHER RESOLVED, That a copy of this resolution be

forwarded to Secretary Espy advising him of this invitation and of our hopeful anticipation of his acceptance.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Ellis (With Notice and Proof):

S. 519. Relating to the City of Alabaster in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 519, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Horn:

S. 520. To make an appropriation from the State General Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1994 and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator deGraffenried:

S. 521. Relating to credits against state income tax liability; to provide a credit to employers who provide approved basic skills education programs to their employees beginning with the 1993 tax year.

Committee on Finance
and Taxation

By Senator Dixon:

S. 522. To provide for the regulation of consumer debt collectors, and provide penalties for violations.

Committee on Small Business

By Senator Foshee:

S. 523. To amend Section 36-27-49.3 of the Code of Alabama 1975, to provide for purchase of military service credit in the employees' and teachers' retirement systems.

Committee on Finance
and Taxation

By Senator Figures:

S. 524. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Docks.

Committee on Governmental
Affairs/State Administration

By Senator Figures:

S. 525. Relating to certain employee classifications and benefits of state employees employed at the Alabama State Docks Department Mobile facilities; to make those employees members of the state merit system to authorize persons who are employed under collective bargaining agreements at the Alabama State Docks of Mobile to choose to be state employees, except the employees of the Terminal Railroad at the Alabama State Docks (referred to as TRASD) who are subject to the federal Railway Labor Act and the Railroad Retirement Act; to authorize the Directors of the State Personnel Department and the Chief Executive Officer of the Employees' Retirement System of Alabama to expedite this act by rules and regulations which would be exempt from the Alabama Administrative Procedure Act; and to expressly prohibit certain collective or negotiated bargaining by employees covered under the employees' retirement system.

Committee on Governmental
Affairs/State Administration

By Senator Figures (With Notice and Proof):

S. 526. Relating to Mobile County; to amend Section 15 of Act No. 86-545, S. 655 of the 1986 Regular Session (Acts 1986, p. 1082) as amended by Act No. 92-105, H. 74 of the 1992 Regular Session (Acts 1992, p. 169) which created a County Racing Commission; to provide that a licensee may withhold income taxes; to clarify that the licensee may be entitled to interest earned; and to increase the amount of advertising from \$300,000 to \$500,000 with regard to the Capital Improvement Fund.

Committee on Local
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB

526, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hale:

S. 527. To amend Section 22-21-267, Code of Alabama 1975, relating to the issuance of certificates of need by the State Health Planning and Development Agency regarding new institutional health services; to prohibit the issuance of those certificates, with certain exceptions, until July 1, 1996.

Committee on Health

By Senator Bennett:

S. 528. To limit campaign contributions to candidates for the Legislature and any statewide offices beginning on a certain date and to prescribe penalties for violations.

Committee on Constitution
and Elections

By Senator Ellis (With Notice and Proof):

S. 529. Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the judge of probate and the collection and disposition of a special index fee therefor, so as to further provide for the index fee and distribution of the additional fee.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 529, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Barron and deGraffenried:

S. 530. Requiring the Bureau of Geriatric Psychiatry of the Department of Mental Health and Mental Retardation, upon receiving sufficient funding, to develop and offer educational programs and

services for persons caring for certain Alzheimer's disease patients, requiring certain legislative funding, and authorizing the levying of certain fees.

Select Committee on
Fiscal Responsibility

By Senator Barron:

S. 531. To exempt oxygen and durable medical equipment dispensed by participating providers under the Medicare and Medicaid programs from state and local sales, use and rental and leasing taxes.

Select Committee on
Fiscal Responsibility

By Senator Barron:

S. 532. Amending Sections 20-2-20 and 20-2-21 of the Code of Alabama 1975; providing that the substances in Schedules II, III, and IV will be the same as those enumerated in federal Schedules II, III, and IV, and repealing certain conflicting laws.

Select Committee on
Fiscal Responsibility

By Senator deGraffenried:

S. 533. To amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

Committee on Banking
and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 237. To make an appropriation from the State General Fund to the Child Advocacy Centers and to the Alabama Network of Chil-

dren's Advocacy Centers, Inc. for the fiscal year ending September 30, 1994, and to require operations plans and audited financial statements prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 237 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 241. To make an appropriation from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 241 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 273. To make an appropriation for the support and mainte-

nance of the Special Schools for Special Education for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 273 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 229. To make an appropriation to the Project DARE and the DON'T - Madison County drug education programs for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 229 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 239. To make an appropriation from the Alabama Special

Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., the United Cerebral Palsy of Alabama Incorporated - for Etowah County, and the United Cerebral Palsy of Mobile for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 239 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 272. To make appropriations to the Department of Youth Services for the fiscal year ending September 30, 1994.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 272 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mathis:

H. 633. To propose an amendment to the Constitution of Ala-

bama of 1901, to provide for the election of the Dothan City Board of Education.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 633 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 243. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 243 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 250. To make an appropriation from the Alabama Special

Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 250 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 225. To make an appropriation from the Alabama Special Educational Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 225 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 253. To make an appropriation for the support and mainte-

nance of the Sickle Cell Education Program for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 253 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 264. To make an appropriation from the Alabama Special Educational Trust Fund in memory of Representative John L. Buskey to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1994 for programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 264 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Harper, Carothers, White, Holley, Mathis, Williams, Johnson,

Laird, Hammett, Venable, Warren, Cullins, Newton (C), Willis, McDowell, and Haynes:

H. 191. To further provide for the funding of Emergency Medical Services Programs; and to provide an appropriation for capital outlay and for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 191 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 224. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1994, and to require an audited financial statement and operations plan prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 224 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 242. To make an appropriation from the Alabama Special

Educational Trust Fund to the Bevill Centers in Gadsden, Eufaula, Brewton, and Muscle Shoals, Alabama for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 242 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 231. To make an appropriation from the Alabama Special Educational Trust Fund to Constitution Hall Village at Huntsville, Alabama for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 231 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 230. To make an appropriation from the Alabama Special

Educational Trust Fund to the Kate Duncan Smith DAR School, for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 230 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 258. To make an appropriation from the Alabama Special Educational Trust Fund to the Cleveland Avenue YMCA, the Fourth Avenue YMCA and the Boys and Girls Club of Central Alabama, Inc. - Hueytown Unit for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 258 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 259. To make an appropriation from the Alabama Special

Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1994, and to require a further distribution to Educational Resources, Inc. and an operations plan and audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 259 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 397. To provide further for certain sales tax exemptions, to amend section 40-23-4, Code of Alabama 1975.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 397 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 226. To make an appropriation from the Alabama Special

Educational Trust Fund to the Exploreum Museum of Discovery and the Exploreum Museum of Discovery - Omnimax Project for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 226 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 228. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center, for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 228 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 235. To make an appropriation from the Alabama Special

Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

Also:

By Rep. Harper:

H. 236. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1994 and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 235 and 236 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Harper, Carothers, White, Holley, Mathis, Williams, Johnson, Laird, Hammett, Venable, Warren, Cullins, Newton (C), Willis, McDowell, and Haynes:

H. 192. To provide an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1994.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 192 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Biddle (With Notice and Proof):

H. 372. Relating to the Tenth Judicial Circuit in Jefferson County, amending Act No. 90-542, Regular Session, so as to increase the number of Deputy District Attorneys in said circuit.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 372, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Mathis (With Notice and Proof):

H. 659. Relating to Geneva County; levying a county privilege license tax paralleling the state sales and use tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62 and 40-23-63 of the Code of Alabama 1975, subject to the approval of a majority of the electors Geneva County voting in a referendum election; providing for the collection and distribution of the net proceeds of the tax; and providing for the enforcement of this act by the State Department of Revenue.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 659, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Mathis (With Notice and Proof):

H. 660. Relating to Geneva County; authorizing the county commission to levy an additional ad valorem tax; and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 660, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Mathis (With Notice and Proof):

H. 663. Relating to Geneva County; to provide for a county-wide general election to be held to determine whether or not alcoholic beverages can be legally sold and distributed in certain municipalities of the county; and to provide for distribution of the proceeds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 663, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

H. 667. Relating to the City of Tallassee; amending Section 4 of Act No. 91-349, H. 908, 1991 Regular Session, providing for the election of the city board of education, to specify that members of the board shall serve without compensation.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 667, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 372 - to the Committee on Local Legislation No. 2

HB's 659, 660, 663, and 667 - to the Committee on Local
Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. McDowell (With Notice and Proof):

H. 511. Relating to the Bessemer Division of the Tenth Judicial Circuit in Jefferson County, amending Act No. 202, H. 449, 1990 Regular Session, so as to increase the number of Deputy District Attorneys in the Bessemer Division of said Circuit.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 511, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Newton (D), Rogers (J), Spratt, Barnes, Rogers (F), Petelos, Sanderson, Gaines, Morton, and Curry (With Notice and Proof):

H. 558. To amend Sections 6.08 and 6.09 of Act No. 452, H. 974, approved September 9, 1955, providing for a Mayor-Council form of government for the City of Birmingham as classified on a population basis in 1955, to provide further for competitive bidding on certain public works contracts entered into by the city.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 558, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Sanderson (With Notice and Proof):

H. 573. Relating to governing bodies of Class I municipalities, the governing bodies of counties in which Class I municipalities are primarily located, other governing bodies of municipalities in those counties, and certain zoological societies in those counties; to authorize those governing bodies or societies to individually or jointly incorporate

and amend articles of incorporation as a public authority for the purpose of leasing, owning, or operating a zoological park, natatorium, or aquarium, or any combination thereof, in the county; to provide for the election and compensation of members of any such authority; to provide for powers, responsibilities, and duties of any such authority and its board of directors; to provide certain tax exemptions and immunity from tort liability to any such authority; to authorize the issuance of revenue bonds and securities by any such authority and to specify sources of revenue for those bonds; to require compliance with the state ethics, competitive bid, access to public records, and public meeting statutes; to specifically authorize an authority to acquire, construct, operate, improve, and finance a zoological park, natatorium, or aquarium, or any combination thereof; to provide for the use of proceeds of any revenue bonds or securities issued by an authority; to exempt the property, income, and securities of any authority from all state and local taxation; and to provide that employees of any authority shall be employed subject to the civil service system and personnel board of any Class I municipality in the same manner as other municipal employees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 573, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 617. Relating to Cleburne County; repealing Act No. 34, H. 136, Fourth Special Session of 1975, giving the county commissions of certain counties classified on a population basis certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 617, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 511, 558, and 573 - to the Committee on Local Legislation
No. 2

HB 617 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Collins (With Notice and Proof):

H. 8. Providing for the establishment of a merit system for the county law enforcement officers, radio operators, jailers and law enforcement support personnel in Fayette County; and providing for a merit system board governing the removal and official conduct of such county employees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 8, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 8 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hill (With Notice and Proof):

H. 463. Relating to Shelby County, repealing Act 92-225 and

Act 92-400 of the 1992 Regular Session, both of which permitted persons engaged in certain real estate businesses to serve on certain planning, zoning, or subdivision boards or commissions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 463, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Clay (With Notice and Proof):

H. 583. Relating to Macon County; to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 583, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Morrow (With Notice and Proof):

H. 610. Relating to Franklin County; requiring the tax assessor and the revenue commissioner of the county having custody of any public writing, record, or document to permit inspection of the writing, record, or document; and providing for the method of making property record cards and work cards available to the public.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 610, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 463, 583, and 610 - to the Committee on Local Legislation
No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Rogers (J), McDowell, McClain, and Barnes:

H. 81. To appropriate \$100,000 from the Special Educational Trust Fund in the State Treasury to the Minority Business Training Development Program at UAB for the 1993-94 fiscal year.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 81 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 296. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Theatre, Alabama Landmarks, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 296 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 277. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1994.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 277 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 267. To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 267 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 413. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 413 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 261. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 261 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 265. To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 265 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Walker:

H. 1. To exempt Alabama Goodwill Industries, Inc., Goodwill Industries of Mobile Area, Inc., and Goodwill Industries of Central Alabama, Inc., from the payment of all state, county, and municipal sales and use taxes.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 1 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 266. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 266 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 270. To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 270 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 275. To make an appropriation from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1994.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 275 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 276. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1994, for educational purposes.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 276 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 274. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1994, for educational purposes.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 274 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 269. To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 269 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 247. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 247 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDowell, Rogers (J), McClain, Barnes, Campbell, Kennedy, Buskey, Clark (W), Holmes, Thomas, Fuller, Melton, Bryant, Black (L), Carothers, Haynes, Laird, Dolbare, and Clark (J):

H. 194. To make an appropriation from the State General Fund to the Alabama Kidney Foundation Incorporated, for the fiscal year ending September 30, 1994, and to require an operation plan and audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 194 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 271. To make an appropriation for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 271 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Harper and Fuller:

H. 335. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 335 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 398. To amend Section 4 of Act No. 91-546, H. 596, 1991 Regular Session so as to provide further for a new effective date of July 1, 1986.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 398 - to the Committee on Governmental Affairs/State Administration

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Fuller, Clark (J), Butler, Freeman, Smith (C), Harper, Letson, Hooper, Kennedy, Bryant, McMillan, Hawkins, Carter, Turnham, Sanderson, Petelos, Kvalheim, Zoghby, Powell, Curry, Knight (A), Gullatt, Parker (P), Black (L), Cosby, Harvey, Dolbare, Morrow, Venable, Morton, Rich, Gaines, Walker, Turner, White, Layson, McDaniel, Flowers, Cullins, Starkey, Millican, Higginbotham, Box, Rogers (F), Hogan, Barnes, Collins, McDowell, and Bugg:

H. 321. To provide a cost-of-living increase for certain public

education employees with the beginning of the 1993-94 fiscal year and to continue thereafter; to provide that certain salary schedules at two-year colleges shall be upgraded to reflect a cost-of-living pay adjustment; and to establish miscellaneous pay provisions.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 321 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (R), Ford, and Bugg:

H. 621. Providing that certain weeds and grass growing upon streets, sidewalks, and private property may be declared a public nuisance in a Class 4 municipality which is organized pursuant to Chapter 43B, Title 11, Code of Alabama 1975, establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning the public nuisance, and a procedure for assessing costs of the removal against the property, constitute the same as a lien, and providing for the collection of the assessments and the enforcement of the lien.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 621 - to the Committee on Governmental Affairs/Local Government

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith (R), Ford, and Bugg:

H. 622. Relating to any Class 4 municipalities whose city gov-

erning body is organized pursuant to Chapter 43B, Title 11, Code of Alabama 1975; to provide the right of the city to demolish unsafe structures; providing for a determination of the ownership of the real property or structure and notice of hearing, the procedure for holding the hearing before the city governing body, the procedure for appeal to the circuit court, the right of the city to obtain a lien for the cost of demolition, the authority to assess against property sold to the State of Alabama for taxes, and the method of collection of assessments.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 622 - to the Committee on Governmental Affairs/Local Government

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 222. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1994.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 222 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 282 To establish a Teacher Education Scholarship Loan

Program to provide for the education of certified, employed public school teachers to be trained in the use of integrating technology skills in the curriculum; and to repeal Sections 16-6A-11 to 16-6A-13, inclusive, and 16-23-18 to 16-23-23, inclusive, Code of Alabama 1975, relating to the undergraduate scholarship loan program and the Emergency Secondary Education Program.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 282 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 371. To make appropriations to the following public entities in Alabama for general public educational purposes for the fiscal year ending September 30, 1994. Said educational purposes shall include but not be limited to capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 371 - to the Committee on Finance and Taxation

REPORTS OF COMMITTEES

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had

acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Little and Bailey:

S. 236. Relating to the Ethics Law, to add certain definitions, redefine other terms, and expand persons covered under the Ethics Act; to change reference to elected officials and government employees to public officials and public employees throughout the Ethics Law; to authorize the Alabama Ethics Commission to initiate investigations; to issue subpoenas; to employ a full-time attorney with prosecutorial powers; and to investigate anonymous complaints in specified circumstances; to provide further for standards of conduct; to prohibit legislators from representing the state, county, municipalities, or instrumentalities thereof in their districts; to prohibit representation by certain public officials, public employees, and family members, of certain businesses of clients for a fee before quasi-judicial boards or commissions, governmental regulatory agencies, or executive departments or agencies; to prohibit attorney-legislators from representing clients before certain regulatory agencies and departments; to prohibit regulatory officials and employees and families thereof from accepting anything of value in specified circumstances; to prohibit, for a certain period, former state officials and public employees from serving for fees as lobbyists or before agencies where they have previously served; to provide for the removal of names of candidates from ballots; to provide for annual registration and fees therefor of lobbyists; to authorize the commission to assess a civil penalty for failure to file a correct, timely statement of economic interests; to provide further for the statute of limitations for violations; and to amend Sections 36-25-1, 36-25-2, 36-25-4, 36-25-5, 36-25-6, 36-25-7, 36-25-10, 36-25-12, 36-25-13, 36-25-15, 36-25-18, and 36-25-27 of the Code of Alabama 1975.

By Senators Parsons, Amari, Horn, Floyd, Waggoner, Bennett, Bailey, Dial, and Owens:

S. 276. Relating to the Ethics Law, to add certain definitions, redefine other terms, and expand persons covered under the Ethics Act; to change any reference to elected officials and government employees to public officials and public employees throughout the Ethics Law; to authorize the Alabama Ethics Commission to initiate investigations and to issue subpoenas; to employ a full-time attorney with prosecutorial powers and to investigate anonymous complaints in specified circumstances; to provide further for standards of conduct; to prohibit legislators from representing the state, county, municipalities, or instrumentalities in their districts; to prohibit representation by certain public officials, public employees, and family members, of certain businesses of clients for a fee before quasi-judicial boards or commissions, governmental

regulatory agencies, or executive departments or agencies; to prohibit attorney-legislators from representing clients before certain regulatory agencies and departments, but allowing practice before certain other state entities with notice to the State Ethics Commission; to prohibit regulatory officials and employees and families from accepting anything of value in specified circumstances; to prohibit, for a certain period, former state officials and public employees from serving for fees as lobbyists or before agencies where they have previously served; to provide for the removal of names of candidates from ballots; to provide for annual registration and an annual fee for lobbyists; to authorize the commission to assess a civil penalty for failure to file a correct, timely statement of economic interests; to provide further for the statute of limitations for violations; and to amend Sections 36-25-1, 36-25-2, 36-25-4, 36-25-5, 36-25-6, 36-25-7, 36-25-10, 36-25-12, 36-25-13, 36-25-15, 36-25-18, and 36-25-27 of the Code of Alabama 1975.

By Senators Dial, Bedsole, Owens, Smith (B), Waggoner, Barron, Bolling, Parsons, Ellis, Bailey, Dixon, and Lipscomb:

S. 468. Relating to the Ethics Law; to define and redefine certain terms and to amend certain provisions to conform with these definitions; to permit the Ethics Commission to investigate complaints on its own initiative; to remove the prohibition against investigating anonymous complaints; to specify existing advisory opinions would prevail until superseded; to regulate public statements of members and employees of the commission concerning complaints and investigations and to specify criminal penalties for violations; to grant the commission certain subpoena powers; to increase the minimum salary at which a public employee is required to file a statement of economic interests; to provide for the certification by the commission to the proper election officer of the name of a candidate who failed to properly file a statement and to require the removal of the name of the candidate from the ballot; to specify that any person who is a public official or public employee as defined by this act, would be subject to this act; to amend Sections 36-25-1, 36-25-2, 36-25-4, 36-25-6, 36-25-12, 36-25-13, 36-25-14, 36-25-15, 36-25-18, and 36-25-30, Code of Alabama 1975; and to repeal Section 36-25-24, Code of Alabama 1975, which required a citizen to initially file a complaint against a public official or public employee with the commission.

By Senator Waggoner:

S. 483. To amend subsection (f) of Amendment No. 386 of the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by non-profit organizations for charitable and educational purposes, to further provide that the amounts of prizes shall not exceed the amounts set by local law.

The above Bill was read a second time at length as required by the Constitution.

By Senators Ghee, Little, Bennett, Dial, Ellis, Parsons, Bolling, Wilson, Amari, Lipscomb, Windom, Hale, Floyd, Langford, and Bailey:

S. 515. Relating to the Ethics Law; to define and redefine certain terms and to amend certain provisions to conform with these definitions; to permit the Ethics Commission to investigate complaints on its own initiative; to remove the prohibition against investigating anonymous complaints; to require the recordation of anonymous complaints; to permit the commission to employ an attorney with certain powers; to specify existing advisory opinions would prevail until superseded; to regulate public statements of members and employees of the commission concerning complaints and investigations and to specify criminal penalties for violations; to grant the commission certain subpoena powers; to increase the minimum salary at which a public employee is required to file a statement of economic interests; to provide for the certification by the commission to the proper election officer of the name of a candidate who failed to properly file a statement and to require the removal of the name of the candidate from the ballot; to prohibit public officials and public employees and members of their families and businesses with which they are associated from receiving compensation to lobby; to prohibit public officials or public employees from being associated with certain businesses; to prevent former public officials and public employees from lobbying and contracting with public agencies for a certain time; to levy a registration fee on lobbyists; to toll the statute of limitations in certain instances; to provide certain employment protection and civil remedies to persons filing a complaint; to specify that any person who is a public official or public employee as defined by this act, would be subject to this act; to amend Sections 36-25-1, 36-25-2, 36-25-4, 36-25-5, 36-25-6, 36-25-7, 36-25-12, 36-25-13, 36-25-14, 36-25-15, 36-25-17, 36-25-18, 36-25-27, and 36-25-30, Code of Alabama 1975; and to repeal Section 36-25-24, Code of Alabama 1975, which required a citizen to initially file a complaint against a public official or public employee with the commission.

**UNFINISHED BUSINESS
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 111. To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

and pending Bennett amendment to the Amari substitute, which said amendment and substitute were offered on the Fifth Legislative Day.

RECESS

At 11:30 A.M., on motion of Senator Parsons, the Senate took a recess until 12:55 P.M.

At 12:55 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

FURTHER CONSIDERATION OF SB 111

The Senate proceeded to further consideration of the Bill, SB 111. The question was on the Bennett amendment to the Amari substitute.

Senator deGraffenried moved that said amendment be laid on the table, which motion was lost.

Yeas 3 Nays 4
Abstaining 1

Yeas:

Senators:

deGraffenried, Hill, and Little - 3

Nays:

Senators:

Amari, Bennett, Parsons, and Waggoner - 4

Abstaining: Senator Ellis - 1

The President and Presiding Officer of the Senate declared a quorum present but not voting.

And said amendment was then adopted.

Senator deGraffenried moved that said substitute, as amended, be laid on the table, which motion was lost.

Yeas 5 Nays 7

Yeas:

Senators:

Bedsole, deGraffenried, Escott-Russell, Horn, and Little - 5

Nays:

Senators:

Amari, Bennett, Corbett, Floyd, Lindsey, Parsons, and Waggoner - 7

The President and Presiding Officer of the Senate declared a quorum present but not voting.

And said substitute, as amended, was then lost.

Yeas 5 Nays 10

**REGULAR SESSION
14th Day**

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Yeas:

Senators:

Amari, Bennett, Floyd, Parsons, and Waggoner - 5

Nays:

Senators:

**Bedsole, Bolling, deGraffenried, Escott-Russell, Figures, Hale, Horn,
Lipscomb, Little, and Windom** -10

The President and Presiding Officer of the Senate declared a quorum present but not voting.

Senator Langford offered the following substitute for the Bill, SB 111, to-wit:

SUBSTITUTE FOR SB 111

To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

On motion of Senator Foshee, said substitute was laid on the table.

Yeas 18 Nays 12

Yeas:

Senators:

**Amari, Bailey, Bedsole, Bolling, deGraffenried, Denton, Dixon, Ellis,
Foshee, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Owens,
Waggoner, and Windom** -18

Nays:

Senators:

**Bennett, Campbell, Corbett, Escott-Russell, Figures, Floyd, Ghee,
Horn, Langford, Lindsey, Parsons, and Smith (J)** -12

Senator Floyd offered the following amendment to the Bill, SB 111, to-wit:

AMENDMENT TO SB 111

To amend Senate Bill 111 by deleting the language establishing Senate District 10, page 21, beginning on line 20, thru page 23, line 16, inclusive, and further by deleting the language establishing Senate District 14, page 28, line 16, thru page 31, line 30, inclusive, and inserting in lieu thereof the following new language:

On page 21, beginning on line 20, insert the following:

District 10: Etowah County, St. Clair County: Tract 0402.01,

Tract 0403: Block Group 1, Block Group 2, Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325A, Block 325B, Block 326A, Block 326B, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336A, Block 336B, Block 337A, Block 337B, Block 338, Block 339, Block 340A, Block 340B, Block 341A, Block 341B, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 364A, Block 365, Block 385, Block 386, Block 387, Block 388, Block 389, Block 390, Block 391, Block 392; Tract 0404: Block Group 1: Block 101A, Block 105A, Block 106A, Block 107A, Block 108A, Block 155A, Block 156, Block 157; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223A, Block 224, Block 225, Block 226, Block 227, Block 228A, Block 228B, Block 229, Block 230A, Block 230B, Block 231, Block 232, Block 233A, Block 233B, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240A, Block 240B, Block 241A, Block 241B, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254A, Block 255; Block Group 3, Block Group 4: Block 402C, Block 404B, Block 417A, Block 417B, Block 418, Block 419A, Block 419B, Block 420A, Block 420B, Block 421A, Block 421B, Block 422, Block 423A, Block 423B; Block Group 5: Block 537A, Block 540, Block 541, Block 542, Block 544A, Block 547, Block 548A, Block 548B, Block 549A, Block 549C, Block 550, Block 551, Block 552, Block 553, Block 554, Block 555, Block 559A, Block 560A, Block 563B, Block 564A, Block 564B, Block 565A, Block 565B.

On page 28, beginning on line 16, insert the following:

District 14: Blount County: Tract 0501.01: Block Group 3: Block 383; St. Clair County: Tract 0401.01, Tract 0401.02, Tract 0402.02, Tract 0402.03, Tract 0403: Block Group 3: Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364B, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378, Block 379, Block 380, Block 381, Block 382, Block 383, Block 384, Block 393; Tract 0404: Block Group 1: Block 101B, Block 102, Block 103, Block 104, Block 105B, Block 106B, Block 107B, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125,

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Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155B, Block 158, Block 159; Block Group 2: Block 223B, Block 254B; Block Group 4: Block 401, Block 402A, Block 402B, Block 402D, Block 403A, Block 403B, Block 403C, Block 404A, Block 404C, Block 405, Block 406, Block 407A, Block 407B, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416A, Block 416B, Block 416C, Block 424A, Block 424B, Block 424C, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433; Block Group 5: Block 501A, Block 501B, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 523, Block 524, Block 525, Block 526, Block 527, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537B, Block 538, Block 539, Block 543, Block 544B, Block 545, Block 546, Block 549B, Block 556, Block 557, Block 558, Block 559B, Block 559C, Block 560B, Block 561, Block 562, Block 563A, Block 563C, Block 564C, Block 565C, Block 566, Block 567, Block 568, Block 569, Block 570, Block 571, Block 572, Block 573, Block 574, Block 575, Block 576, Block 577, Block 578, Block 579, Block 580, Block 581, Block 582, Block 583; Block Group 6: Block 601A, Block 601B, Block 601C, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626A, Block 626B, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636, Block 637, Block 638, Block 639, Block 640, Block 641, Block 642, Block 643, Block 644, Block 645, Block 647, Block 648, Block 649, Block 650, Block 651, Block 652, Block 653, Block 654, Block 655, Block 656, Block 657, Block 658, Block 659; Tract 0405.01, Tract 0405.02; Shelby County: Tract 0301: Block Group 1, Block Group 2: Block 201A, Block 201B, Block 201C, Block 202A, Block 202B, Block 202C, Block 203A, Block 203B, Block 204A, Block 204B, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247A, Block 247B, Block 247C, Block 248, Block 249, Block 250A, Block 250B, Block 251, Block 252, Block 253A, Block 253B, Block 253C, Block 254A, Block 254B, Block 254C, Block 255A, Block 255B, Block

256A, Block 256B, Block 257, Block 258, Block 259A, Block 259B, Block 260, Block 261, Block 262, Block 263, Block 264A, Block 264B, Block 265A, Block 265B, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272A, Block 272B, Block 273, Block 274A, Block 274B, Block 275A, Block 275B, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287A, Block 287B, Block 288A, Block 288B, Block 289, Block 290, Block 291, Block 292, Block 293; Block Group 3: Block 301, Block 302, Block 303, Block 304A, Block 304B, Block 305, Block 306, Block 307, Block 313, Block 314, Block 315, Block 316A, Block 316B, Block 316C, Block 317, Block 318, Block 319A, Block 319B, Block 320, Block 321A, Block 321B, Block 322A, Block 322B, Block 323A, Block 323B, Block 324A, Block 324B, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359A, Block 359B, Block 360, Block 361A, Block 361B, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440A, Block 440B, Block 441, Block 442, Block 443, Block 444A, Block 444B, Block 445, Block 446, Block 447A, Block 447B, Block 448A, Block 448B, Block 449, Block 450A, Block 450B, Block 451A, Block 451B, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457A, Block 457B, Block 458, Block 459A, Block 459B, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465A, Block 465B, Block 466, Block 467, Block 468, Block 469, Block 470A, Block 470B, Block 470C, Block 471A, Block 471B, Block 472, Block 473, Block 474, Block 475, Block 476, Block 477, Block 484, Block 485, Block 486, Block 487; Tract 0302.01: Block Group 1: Block 119A; Block Group 2: Block 294A; Block Group 3: Block 340A, Block 341A; Tract 0302.02: Block Group 1, Block Group 2, Block Group 3: Block 339, Block 340, Block 341, Block 346, Block 347, Block 348, Block 377; Tract 0303.03: Block Group 1: Block 102L, Block 103, Block 122, Block 123; Tract 0303.04, Tract 0303.05, Tract 0303.06: Block Group 1: Block 101A, Block 102A, Block 106A, Block 106B, Block 106C, Block 114A, Block 121A, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129A, Block 130A, Block 131A, Block 132A, Block 132B, Block 133A, Block 133B, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block

141A, Block 141B, Block 142A, Block 142B; Tract 0303.07, Tract 0303.08, Tract 0303.09, Tract 0303.10, Tract 0303.11, Tract 0304.03, Tract 0304.04, Tract 0305, Tract 0306.02, Tract 0306.03, Tract 0306.04, Tract 0306.05, Tract 0307.01, Tract 0307.02, Tract 0308.

Which was adopted.

Yeas 20 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Smith (J), Waggoner, and Windom -20

Nay: Senator Escott-Russell

- 1

Senator Lipscomb offered the following amendment to the Bill, SB 111, as amended, to-wit:

AMENDMENT TO SB 111, AS AMENDED

To amend Senate Bill 111, as amended, by deleting the language establishing Senate District 22, page 64, beginning on line 18, thru page 70, line 6, inclusive, and further by deleting the language establishing Senate District 31 and 32, page 89, beginning on line 23, thru page 94, line 7, inclusive, and inserting in lieu thereof the following new language:

On page 64, beginning on line 18, insert the following:

District 22: Choctaw County: Tract 9567: Block Group 1, Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 207, Block 208, Block 243, Block 244, Block 245, Block 246, Block 249; Block Group 5: Block 501, Block 502, Block 503, Block 527, Block 528, Block 529, Block 530, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544; Block Group 6; Tract 9568: Block Group 1, Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 215, Block 216, Block 217, Block 221, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240A, Block 240B, Block 241A, Block 241B, Block 241C, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247A, Block 247B, Block 248A, Block 248B, Block 249, Block 250A, Block 250B, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260A, Block 260B, Block 261A, Block 261B, Block 262; Block Group 3, Block Group 4, Block Group 5, Block Group 6; Tract 9569, Tract 9570; Clarke County, Conecuh County, Marengo County: Tract 9832: Block Group 1: Block

125, Block 126; Block Group 2: Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328; Tract 9833: Block Group 1: Block 136B, Block 142, Block 145, Block 148; Block Group 2: Block 207, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 221, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261; Block Group 3; Mobile County: Tract 0038.02: Block Group 9: Block 901, Block 902, Block 903A, Block 903B, Block 905, Block 906, Block 907, Block 908, Block 909A, Block 909B, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 929, Block 930, Block 931A; Tract 0056: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 108C, Block 109, Block 110, Block 111, Block 112, Block 113A, Block 113B, Block 113C, Block 113D, Block 113E, Block 114, Block 115, Block 116A, Block 116B, Block 116C, Block 116D, Block 117A, Block 117B, Block 117C, Block 118A, Block 118B, Block 119, Block 120, Block 121A, Block 121B, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133A, Block 133B, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 145, Block 146, Block 147A, Block 147B, Block 148, Block 149, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157; Block Group 2: Block 201C, Block 201D, Block 202A, Block 202B, Block 202C, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216A, Block 217A, Block 217B, Block 218B, Block 219C, Block 220A, Block 231B, Block 238, Block 246, Block 247, Block 251, Block 252; Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 303A, Block 303B, Block 304B, Block 308B, Block 309B, Block 310, Block 311, Block 312, Block 313,

REGULAR SESSION
14th Day

731

Block 314A, Block 314B, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351B, Block 352B, Block 353, Block 355, Block 356A, Block 357A, Block 357B, Block 357C, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366B, Block 367B, Block 369, Block 381; Tract 0057: Block Group 1, Block Group 2, Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338A, Block 338B, Block 339A, Block 339B, Block 340, Block 341, Block 342A, Block 342B, Block 343, Block 344, Block 345, Block 346, Block 347A, Block 347B, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354B, Block 354C, Block 355, Block 356, Block 357, Block 358, Block 372B, Block 378A, Block 378B, Block 379A, Block 379B, Block 380A, Block 380B, Block 381A, Block 381B, Block 382, Block 383, Block 384, Block 385, Block 386, Block 387, Block 388, Block 389, Block 390, Block 391, Block 392, Block 393, Block 394, Block 395B, Block 395C, Block 396, Block 397; Tract 0058, Tract 0059: Block Group 2: Block 291; Monroe County, Washington County, Wilcox County: Tract 9948: Block Group 2: Block 239, Block 253, Block 254, Block 256; Block Group 3: Block 332, Block 333, Block 335, Block 336, Block 337, Block 338, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348; Tract 9949: Block Group 1: Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185; Block Group 2: Block 226A, Block 226B, Block 227A, Block 227B, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 237, Block 238, Block 239, Block 240A, Block 240B, Block 241, Block 244, Block 245, Block 246A, Block 246B, Block 247, Block 248, Block 249, Block 250A, Block 250B, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261A, Block 261B, Block 262A, Block 262B, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Tract 9950, Tract 9951: Block Group 2: Block 242, Block 243, Block 244, Block 245,

Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Block Group 3: Block 301, Block 302, Block 303A, Block 303B, Block 304A, Block 304B, Block 305, Block 306, Block 307A, Block 307B, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 325, Block 326, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373A, Block 373B, Block 374A, Block 374B, Block 375A, Block 375B, Block 376; Block Group 4, Block Group 5: Block 525, Block 526, Block 527A, Block 527B, Block 528, Block 529, Block 531, Block 562, Block 563, Block 564, Block 565.

On page 89, beginning on line 23, insert the following:

District 31: Coffee County, Covington County, Escambia County.

District 32: Baldwin County: Tract 0101: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2, Block Group 3, Block Group 4; Tract 0102, Tract 0103, Tract 0104, Tract 0105, Tract 0106, Tract 0107.01, Tract

0107.02, Tract 0107.03, Tract 0108, Tract 0109.01, Tract 0109.02, Tract 0110, Tract 0111, Tract 0112.01, Tract 0112.02, Tract 0113, Tract 0114.01, Tract 0114.02, Tract 0115, Tract 0116; Mobile County: Tract 0038.02: Block Group 1, Block Group 9: Block 904, Block 909C, Block 909D, Block 909E, Block 909F, Block 909G, Block 919, Block 920, Block 931B, Block 932A, Block 932B, Block 932C, Block 932D, Block 932E, Block 933, Block 934, Block 935A, Block 935B, Block 935C, Block 936, Block 937, Block 938, Block 939, Block 940; Tract 0045: Block Group 1: Block 106A, Block 110A, Block 111A, Block 124A, Block 129A; Block Group 2: Block 204B; Tract 0050: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 116A, Block 117A, Block 119A, Block 120, Block 121, Block 122A, Block 122B, Block 126; Block Group 2, Block Group 4: Block 401B; Tract 0051, Tract 0052, Tract 0053: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111A, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127A, Block 127B, Block 127C, Block 127D, Block 128A, Block 128B, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144; Block Group 2; Tract 0054: Block Group 1, Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234A, Block 234B, Block 234C, Block 234D, Block 234E, Block 235B, Block 235C, Block 236A, Block 236B, Block 237; Tract 0055, Tract 0056: Block Group 2: Block 201A, Block 201B, Block 201E, Block 201F, Block 216B, Block 217C, Block 218A, Block 219A, Block 219B, Block 219D, Block 220B, Block 221, Block 222, Block 223A, Block 223B, Block 224, Block 225, Block 226A, Block 226B, Block 227A, Block 227B, Block 227C, Block 227D, Block 227E, Block 228, Block 231A, Block 231C, Block 232A, Block 232B, Block 235, Block 239, Block 240; Block Group 3: Block 304A, Block 304C, Block 305, Block 306, Block 307, Block 308A, Block 309A, Block 351A, Block 351C, Block 351D, Block 352A, Block 352C, Block 354A, Block 354B, Block 356B, Block 366A, Block 367A, Block 368, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376; Tract 0057: Block Group 3: Block 354A, Block 359A, Block 359B, Block 360A, Block 360B, Block 360C, Block 360D, Block 361, Block 362, Block 363, Block 364A, Block 364B, Block 364C, Block 364D, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372A, Block 372C, Block 373A, Block 373B,

Block 373C, Block 373D, Block 374, Block 375, Block 376, Block 377, Block 395A; Tract 0061.01: Block Group 1, Block Group 2: Block 201B, Block 201C; Block Group 8: Block 805, Block 824, Block 830, Block 831, Block 832, Block 833, Block 834, Block 835A, Block 835B, Block 835C, Block 835D, Block 835E, Block 836, Block 837, Block 838, Block 839, Block 840, Block 841A, Block 841B, Block 842, Block 843, Block 844, Block 845, Block 862, Block 863, Block 864; Block Group 9: Block 901A, Block 901B, Block 902A, Block 902B, Block 902C, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908A, Block 908B, Block 908C, Block 908D, Block 909A, Block 909B, Block 910A, Block 910B, Block 910C, Block 911A, Block 911B, Block 911C, Block 911D, Block 911E, Block 911F, Block 912A, Block 912B, Block 913, Block 914, Block 915A, Block 915B, Block 916, Block 917, Block 918, Block 919, Block 934A, Block 935A, Block 938, Block 939A, Block 939B, Block 940, Block 941, Block 942A, Block 942B, Block 942C, Block 943, Block 944, Block 945, Block 946A, Block 946B, Block 946C, Block 946D, Block 947A, Block 947B, Block 948A, Block 948B, Block 949, Block 950A, Block 950B, Block 951, Block 952A, Block 952B, Block 953A, Block 953B, Block 953C, Block 953D, Block 954, Block 955, Block 956, Block 957, Block 958, Block 959, Block 961, Block 962, Block 963, Block 964, Block 965, Block 966, Block 967, Block 968, Block 969, Block 970, Block 971, Block 972, Block 973, Block 974A, Block 975, Block 976, Block 977, Block 980, Block 991, Block 992, Block 993, Block 994, Block 995, Block 996, Block 997; Tract 0061.02: Block Group 9: Block 903A; Tract 0061.03: Block Group 9: Block 901, Block 902, Block 905, Block 906.

Which was adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Waggoner, and Windom -21

Nays:

- 0

Senator Lindsey offered the following amendment to the Bill, SB 111, as amended, to-wit:

AMENDMENT TO SB 111, AS AMENDED

To amend Senate Bill 111, as amended, by deleting the language establishing Senate Districts 22 and 23, page 64, beginning on line 18, thru page 75, line 22, inclusive, and inserting in lieu thereof the following new language:

On page 64, beginning on line 18, insert the following:

District 22: Baldwin County: Tract 0101: Block Group 1: Block 101, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169; Block Group 2: Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378, Block 379, Block 380, Block 382, Block 383, Block 384, Block 385, Block 386, Block 387, Block 388, Block 389, Block 390, Block 391, Block 392, Block 393, Block 394, Block 395, Block 396, Block 397; Block Group 4: Tract 0102: Block Group 1: Block 163, Block 164, Block 165, Block 166A, Block 177A, Block 178A, Block 180, Block 181, Block 184A; Block Group 2: Block 259A; Tract 0103: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112A, Block 112B, Block 113A, Block 113B, Block 114A, Block 114B, Block 114C, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122A, Block 122B, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block

219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345; Block Group 4; Tract 0104: Block Group 1: Block 101A, Block 101B; Tract 0105: Block Group 1, Block Group 2, Block Group 3: Block 304A, Block 304B, Block 304C, Block 305A, Block 305C, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311A, Block 312A, Block 312B, Block 313A, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347A; Block Group 4; Tract 0106: Block Group 1, Block Group 2, Block Group 3: Block 301A, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 338A, Block 338B, Block 339, Block 340; Choctaw County: Tract 9567: Block Group 1, Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 207, Block 208, Block 243, Block 244, Block 245, Block 246, Block 249; Block Group 5: Block 501, Block 502, Block 503, Block 527, Block 528, Block 529, Block 530, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544; Block Group 6; Tract 9568: Block Group 1, Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 215, Block 216, Block 217, Block 221, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240A, Block 240B, Block 241A, Block 241B, Block 241C, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247A, Block 247B, Block 248A, Block 248B, Block 249, Block 250A, Block 250B, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block

260A, Block 260B, Block 261A, Block 261B, Block 262; Block Group 3, Block Group 4, Block Group 5, Block Group 6; Tract 9569, Tract 9570; Clarke County, Conecuh County, Marengo County: Tract 9830: Block Group 4: Block 480, Block 481, Block 486, Block 487, Block 488, Block 489, Block 491, Block 492, Block 493; Tract 9832: Block Group 1: Block 125, Block 126; Block Group 2: Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247; Block Group 3; Tract 9833: Block Group 1: Block 103, Block 104, Block 108A, Block 110A, Block 110B, Block 111A, Block 111B, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117A, Block 117B, Block 118A, Block 118B, Block 119A, Block 119B, Block 120A, Block 120B, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132A, Block 132B, Block 133A, Block 133B, Block 133C, Block 134, Block 135, Block 136A, Block 136B, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148; Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262; Block Group 3; Monroe County, Washington County.

District 23: Choctaw County: Tract 9567: Block Group 2: Block 206, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 247, Block 248, Block 250, Block 251, Block 252, Block 253, Block 254; Block Group 3, Block Group 4, Block Group 5: Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516A, Block 516B, Block 517A, Block 517B, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 531, Block

532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538; Tract 9568: Block Group 2: Block 205, Block 206, Block 207A, Block 207B, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 218, Block 219, Block 220, Block 222, Block 223, Block 224, Block 225, Block 226; Dallas County: Tract 9961: Block Group 1: Block 155, Block 156, Block 157, Block 159, Block 160, Block 161, Block 162; Block Group 2: Block 201, Block 202, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 239, Block 240, Block 249, Block 250, Block 251, Block 252, Block 254, Block 255, Block 256; Block Group 3, Block Group 4: Block 401B, Block 402, Block 403, Block 406B, Block 407, Block 408, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420C, Block 421B, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432; Block Group 5; Tract 9964: Block Group 3: Block 301, Block 302B, Block 303B; Block Group 4: Block 401, Block 402, Block 403, Block 407, Block 408, Block 409, Block 410; Tract 9965, Tract 9969, Tract 9970, Tract 9971: Block Group 1; Tract 9973: Block Group 5; Tract 9974; Greene County, Hale County: Tract 9744: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139A, Block 139B, Block 140A, Block 140B, Block 141A, Block 141B, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150A, Block 150B, Block 151A, Block 151B, Block 152, Block 153, Block 154, Block 155A, Block 155B, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165A, Block 165B, Block 166A, Block 166B, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175A, Block 175B, Block 176A, Block 176B, Block 177A, Block 177B, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188A, Block 188B, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2; Tract 9745: Block Group 1: Block 101, Block 102, Block 103, Block 106, Block 108, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block

147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Tract 9746, Tract 9747, Tract 9748, Tract 9749; Lowndes County, Marengo County: Tract 9828, Tract 9829, Tract 9830: Block Group 1, Block Group 2, Block Group 3, Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409A, Block 409B, Block 409C, Block 410, Block 411A, Block 411B, Block 411C, Block 412A, Block 412B, Block 413, Block 414, Block 415A, Block 415B, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450A, Block 450B, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458A, Block 458B, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468, Block 469, Block 470, Block 471, Block 472, Block 473, Block 474, Block 475, Block 476, Block 477, Block 478, Block 479, Block 482, Block 483, Block 484, Block 485, Block 490, Block 494, Block 495, Block 496, Block 497; Block Group 5, Block Group 6; Tract 9831, Tract 9832: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175; Block Group 2: Block 201, Block 202, Block 215, Block 216; Tract 9833: Block Group 1: Block 101, Block 102, Block 105, Block 106, Block 107, Block 108B, Block 109; Block Group 2: Block 201, Block 223, Block 224, Block 263; Tract 9834; Perry County, Sumter County, Wilcox County.

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Lipscomb, Mitchell, Waggoner, and Windom -19

Nays:

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Senator Bedsole offered the following amendment to the Bill, SB 111, as amended, to-wit:

AMENDMENT TO SB 111, AS AMENDED

To amend Senate Bill 111, as amended, by deleting the language establishing Senate Districts 33 and 34, page 94, beginning on line 8, thru page 100, line 21, inclusive, and inserting in lieu thereof the following new language:

On page 94, beginning on line 8, insert the following:

District 33: Mobile County: Tract 0006, Tract 0007.01, Tract 0007.02, Tract 0008, Tract 0009.01: Block Group 1: Block 105B, Block 106; Tract 0009.02, Tract 0009.03, Tract 0012.01: Block Group 1: Block 120B; Tract 0013.02: Block Group 2: Block 208, Block 212, Block 214, Block 215; Block Group 3: Block 302, Block 303, Block 304, Block 311, Block 312, Block 313, Block 314, Block 316, Block 318; Block Group 4, Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 511, Block 512, Block 515, Block 516; Block Group 6: Tract 0014, Tract 0015.01, Tract 0015.02: Block Group 1: Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Tract 0016: Block Group 9: Block 907A; Tract 0023.01, Tract 0023.02, Tract 0024, Tract 0025.01: Block Group 1, Block Group 2, Block Group 3, Block Group 4, Block Group 5, Block Group 6: Block 601, Block 602, Block 603, Block 605, Block 606, Block 611, Block 612, Block 613, Block 614, Block 615, Block 617, Block 618; Tract 0025.02, Tract 0026, Tract 0027: Block Group 1, Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223; Block Group 3, Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 515, Block 516, Block 517, Block 518, Block 519; Tract 0028: Block

Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 114, Block 116, Block 119; Block Group 3: Block 312; Block Group 4: Block 417, Block 418, Block 419; Block Group 5: Block 512; Tract 0029, Tract 0034.01, Tract 0034.02, Tract 0034.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 131; Tract 0034.05: Block Group 1: Block 101; Tract 0034.06, Tract 0034.07: Block Group 1, Block Group 2, Block Group 3, Block Group 4, Block Group 5: Block 501A, Block 501B, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507A, Block 507B, Block 508, Block 513A, Block 513B, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525; Block Group 6, Block Group 8, Block Group 9; Tract 0034.08, Tract 0039.01, Tract 0039.02, Tract 0040, Tract 0041, Tract 0042, Tract 0043: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116B; Block Group 2: Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3, Block Group 4; Tract 0044: Block Group 1: Block 102B, Block 106, Block 107, Block 109, Block 110, Block 113B, Block 117A, Block 118B, Block 119, Block 120, Block 121, Block 122, Block 123B; Block Group 2: Block 201B, Block 202B, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 219, Block 221, Block 222; Block Group 3; Tract 0045: Block Group 1: Block 101, Block 102A, Block 102B, Block 103, Block 104A, Block 104B, Block 105A, Block 105B, Block 106B, Block 107, Block 108, Block 109, Block 110B, Block 111B, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 124B, Block 126, Block 127, Block 129B, Block 130, Block 131; Block Group 2: Block 201, Block 202, Block 203, Block 204C, Block 204D, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Tract 0046, Tract 0047, Tract 0048, Tract 0049, Tract 0050: Block Group 1: Block 101C, Block 116B, Block 117B, Block 118, Block 119B, Block 122C; Block Group 3, Block Group 4: Block 401A, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421; Tract 0053: Block Group 1: Block 111B; Tract 0054: Block Group 2: Block 235A; Tract 0061.01: Block Group 2: Block 201A, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 9: Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 927, Block 928, Block 929, Block 930, Block 931, Block 932, Block 933, Block 934B, Block 935B, Block 936, Block 937, Block 960,

Block 974B, Block 978, Block 979, Block 981, Block 982, Block 983, Block 984, Block 985, Block 986, Block 987, Block 988, Block 989, Block 990; Tract 0061.02: Block Group 9: Block 901A, Block 901B, Block 902, Block 903B, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927; Tract 0061.03: Block Group 2, Block Group 9: Block 903, Block 904, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 929, Block 930, Block 931, Block 932, Block 933, Block 934; Tract 0063.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 195, Block 196, Block 197; Tract 0161.03.

District 34: Mobile County: Tract 0025.01: Block Group 6: Block 604, Block 607, Block 608, Block 609, Block 610, Block 616, Block 619, Block 620, Block 621, Block 622, Block 623; Tract 0027: Block Group 2: Block 210; Block Group 4: Block 411; Block Group 5: Block 514; Tract 0028: Block Group 1: Block 110, Block 111, Block 115, Block 117, Block 118; Block Group 2, Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 513, Block 514; Tract 0031: Block Group 1, Block Group 3; Tract 0032.02, Tract 0032.03, Tract 0032.04, Tract 0032.05, Tract 0033.01, Tract 0033.02, Tract 0034.04: Block Group 1: Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 134, Block 136, Block 139, Block 140, Block 141; Tract 0034.05: Block Group 1: Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 130, Block 131, Block 132, Block 134; Tract 0034.07: Block Group 5: Block 509, Block 510, Block 511, Block 512; Block Group 7; Tract 0035.01, Tract 0035.02, Tract 0036.02, Tract 0036.04, Tract 0036.05, Tract 0036.06, Tract 0036.07, Tract 0037.03, Tract 0037.04, Tract 0037.05, Tract 0037.06, Tract 0037.07, Tract 0037.08, Tract 0037.09: Block Group 3: Block 301, Block 302, Block 303; Tract 0059: Block Group 1, Block Group 2: Block 201,

Block 202A, Block 202B, Block 203A, Block 203B, Block 204, Block 205, Block 206A, Block 206B, Block 207, Block 208A, Block 208B, Block 209, Block 210A, Block 210B, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Block Group 3; Tract 0060, Tract 0061.01; Block Group 3, Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 825, Block 826, Block 827, Block 828, Block 829, Block 846, Block 847, Block 848, Block 849, Block 850, Block 851, Block 852, Block 853, Block 854, Block 855, Block 856, Block 857, Block 858, Block 859, Block 860, Block 861; Block Group 9: Block 926; Tract 0062, Tract 0063.01, Tract 0063.02; Block Group 1: Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194; Block Group 9; Tract 0064.01, Tract 0064.02, Tract 0064.03, Tract 0064.04, Tract 0064.05, Tract 0068.01, Tract 0069.01; Block Group 3: Block 304.

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, and Windom -19

Nays:

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Senator Bolling offered the following amendment to the Bill, SB 111, as amended, to-wit:

AMENDMENT TO SB 111, AS AMENDED

To amend Senate Bill 111, as amended, by deleting the language establishing Senate Districts 5 and 6, page 7, beginning on line 3, thru page 13, line 12, inclusive, and inserting in lieu thereof the following new language:

On page 7, beginning on line 3, insert the following:

District 5: Pickens County, Tuscaloosa County: Tract 0101: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219A, Block 219B, Block 219C, Block 219D, Block 219E, Block 219F, Block 219G, Block 219H, Block 220, Block 221A, Block 221B, Block 221C, Block 221D, Block 221E, Block 222A, Block 222B, Block 222C, Block 222D, Block 222E, Block 222F, Block 222G, Block 222H, Block 222J, Block 222K, Block 223A, Block 223B, Block 223C, Block 223D, Block 223E, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 293, Block 294, Block 295, Block 296; Block Group 3, Block Group 4, Block Group 5, Block Group 6, Block Group 7, Block Group 8; Tract 0102, Tract 0103: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110A, Block 110B, Block 111, Block 112, Block 120A, Block 120B, Block 121A, Block 121B, Block 122, Block 123, Block 124, Block 125, Block 126, Block 132A, Block 132B, Block 136A, Block 136B, Block 136C, Block 136D, Block 137A, Block 137B, Block 137C, Block 137D, Block 138A, Block 138B, Block 139A, Block 139B, Block 140A, Block 140B, Block 140C, Block 140D, Block 140E,

Block 140F, Block 141, Block 142, Block 143, Block 144, Block 145A, Block 145B, Block 145C, Block 146A, Block 146B, Block 146C, Block 146D, Block 147, Block 148A, Block 148B, Block 148C, Block 149A, Block 149B, Block 149C, Block 149D, Block 149E, Block 149F, Block 149G, Block 149H, Block 150, Block 151A, Block 151B, Block 153A, Block 153B, Block 153C, Block 153D, Block 154, Block 155, Block 156, Block 160, Block 162A, Block 162B, Block 166, Block 167, Block 168A, Block 168B, Block 168C, Block 168D, Block 169A, Block 169B, Block 170A, Block 170B, Block 171A, Block 171B, Block 172A, Block 172B, Block 172C, Block 173, Block 174, Block 175, Block 176, Block 177, Block 180G, Block 189, Block 190A, Block 190B, Block 190C, Block 193A, Block 193B, Block 193C, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 211; Block Group 5: Block 509; Tract 0104.03: Block Group 2, Block Group 3: Block 302A, Block 302B, Block 302C, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Tract 0104.04: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 313, Block 314, Block 315, Block 316, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 408, Block 409, Block 413B, Block 418, Block 427, Block 428, Block 429, Block 430, Block 434; Tract 0106: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 173, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2, Block Group 3, Block Group 4: Block 401, Block 402, Block 421; Walker County.

District 6: Fayette County, Franklin County, Lamar County, Marion County, Winston County.

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton,

Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Lipscomb, Little,
Mitchell, Mitchem, and Owens -18

Nays:

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MOTION IN WRITING

Senator Parsons offered the following Motion in Writing to-wit:

MOTION IN WRITING

I cast a no vote on the motion to table Senator Charles Langford's substitute to Senate Bill 111. That substitute was the only viable substitute which conforms to prior criteria as set by the Justice Department and the Constitution of the United States of America. The attempt of Senate Bill 111 to increase black representation from five safe black districts to six safe black districts is an unrealistic approach to racial equality in reapportioning the Alabama State Senate. Senate Bill 111 is merely an attempt to preserve white incumbents.

Which was read and filed with the Secretary.

FURTHER CONSIDERATION OF SB 111

The Senate proceeded to further consideration of the Bill, SB 111, as amended.

Senator Waggoner offered the following amendment to the Bill, SB 111, as amended, to-wit:

AMENDMENT TO SB 111, AS AMENDED

To amend Senate Bill 111, as amended, by deleting the language establishing Senate Districts 16 and 17, page 34, beginning on line 29, thru page 49, line 25, inclusive, and inserting in lieu thereof the following new language:

On page 34, beginning on line 29, insert the following:

District 16: Jefferson County: Tract 0022: Block Group 2: Block 219B; Tract 0023.03: Block Group 3: Block 305, Block 308, Block 311, Block 349, Block 354, Block 357; Tract 0023.04: Block Group 3: Block 303, Block 304; Tract 0047.02: Block Group 5: Block 504; Tract 0056: Block Group 1, Block Group 2, Block Group 3, Block Group 4: Block 401, Block 402, Block 405, Block 407, Block 408; Block Group 5; Tract 0108.01: Block Group 1, Block Group 2, Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 311A, Block 311B, Block 312, Block 314, Block 315, Block 321, Block 338, Block 339, Block 341,

Block 342, Block 344, Block 345, Block 354, Block 355; Tract 0108.02: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 431, Block 432, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 444, Block 445, Block 447, Block 448, Block 450, Block 451, Block 452, Block 453, Block 456, Block 461, Block 462, Block 463; Tract 0108.03, Tract 0108.04, Tract 0108.05, Tract 0110: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181; Block Group 2, Block Group 3, Block Group 4, Block Group 5; Tract 0111.07: Block Group 3: Block 343B, Block 349A, Block 349B, Block 349C, Block 349D, Block 349E, Block 349F, Block 349G, Block 349H, Block 350, Block 351; Tract 0111.08, Tract 0126.02: Block Group 1: Block 114A, Block 114B, Block 114C, Block 114D, Block 116A, Block 116B, Block 117A, Block 117B, Block 117C, Block 117D; Block Group 2, Block Group 4, Block Group 5, Block Group 6, Block Group 9; Tract 0127.01: Block Group 1, Block Group 2, Block Group 3, Block Group 4, Block Group 5: Block 501A, Block 501B, Block 501C, Block 501D, Block 501E, Block 501F, Block 501G, Block 501H, Block 501J, Block 502A, Block 502B, Block 502C, Block 502D, Block 503A, Block 504A, Block 505A, Block 505B, Block 505C, Block 505D, Block 506A, Block 506B, Block 506C, Block 507A, Block 507B, Block 507C, Block 508A, Block 508B, Block 509, Block 510, Block 511A, Block 511B, Block 511C, Block 511D, Block 512A, Block 512B, Block 513A, Block 513B, Block 514A, Block 514B, Block 515A, Block 515B, Block 515C, Block 515D, Block 515E, Block 516A, Block 516B, Block 516C, Block 516D, Block 516E, Block 516F, Block 516G, Block 516H, Block 516J, Block 516K, Block 516L, Block 516M, Block 516N, Block 517, Block 518, Block 519A, Block 519B, Block 520, Block 521, Block 522, Block 523A, Block 523B, Block 524, Block 525A, Block 525B, Block 525C; Block Group 9; Tract 0127.02, Tract 0128.01, Tract 0129.01: Block Group 1: Block 101B, Block 102B, Block 102C, Block 102D, Block 102E, Block 102F, Block 102G, Block 102H, Block 102J, Block 102K, Block 102L, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block

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Block 329, Block 330, Block 331, Block 332A, Block 332B, Block 332C, Block 333A, Block 333B, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340B, Block 341B, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363; Tract 0302.02: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 342, Block 343, Block 344, Block 345, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376; Tract 0303.03: Block Group 1: Block 101, Block 102A, Block 102B, Block 102C, Block 102D, Block 102E, Block 102F, Block 102G, Block 102H, Block 102J, Block 102K, Block 104A, Block 104B, Block 104C, Block 104D, Block 104E, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 124, Block 125A, Block 125B, Block 125C, Block 125D; Tract 0303.06: Block Group 1: Block 101B, Block 102B, Block 103, Block 104, Block 105, Block 106D, Block 106E, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114B, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121B, Block 122, Block 123, Block 129B, Block 130B, Block 131B, Block 143, Block 144.

District 17: Jefferson County: Tract 0035: Block Group 1: Block 119B, Block 124B, Block 124C, Block 144; Block Group 4: Block 433B, Block 433C, Block 436; Tract 0048: Block Group 1: Block 102; Block Group 2, Block Group 3; Tract 0049: Block Group 2: Block 207, Block 208, Block 209, Block 210, Block 232, Block 236; Tract 0058: Block Group 9: Block 912A, Block 912B, Block 913A, Block 913B, Block 925; Tract 0100.01: Block Group 1, Block Group 2, Block Group 3, Block Group 9: Block 902A, Block 903A, Block 903B, Block 903C, Block 903D, Block 904, Block 905A, Block 905B, Block 905C, Block 905D, Block 915A, Block 915B; Tract 0100.02: Block Group 2: Block 201, Block 207A, Block 207B, Block 213, Block 214, Block 223B, Block 227, Block 228, Block 229; Block Group 3: Block 301, Block 302B, Block 302E, Block 302F, Block 303, Block 304, Block 305, Block 313, Block 314, Block 315, Block 316, Block 318, Block 319, Block 320, Block 321, Block 322, Block 337, Block 338, Block 339A,

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Block 185C, Block 186, Block 187, Block 188, Block 189, Block 190A, Block 190B, Block 191A, Block 191B, Block 191C, Block 192A, Block 192B, Block 192C, Block 193A, Block 193B, Block 194, Block 195, Block 196, Block 197; Tract 0117.03: Block Group 1, Block Group 7: Block 718, Block 719, Block 720, Block 726; Block Group 9: Block 903, Block 904A, Block 904B, Block 904C, Block 904D, Block 904E, Block 905A, Block 905B, Block 905C, Block 905D, Block 905E, Block 906A, Block 906B, Block 906C, Block 907, Block 910A, Block 910B, Block 911B, Block 911C, Block 911D, Block 915B; Tract 0117.04: Block Group 1: Block 101, Block 105, Block 106, Block 111, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121A, Block 121B, Block 121C, Block 121D, Block 121E, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 156, Block 157; Tract 0120.01: Block Group 7: Block 701, Block 702, Block 704, Block 709A, Block 709B, Block 709C, Block 710A, Block 710B, Block 711, Block 712, Block 719, Block 720A, Block 720B, Block 720C, Block 720D, Block 721, Block 723A, Block 723B, Block 727, Block 728, Block 729, Block 753, Block 754, Block 755; Tract 0121.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 111, Block 112A, Block 112B, Block 113, Block 114, Block 115, Block 116, Block 117, Block 119, Block 120, Block 122, Block 131, Block 146; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606A, Block 606B, Block 607A, Block 607B, Block 608A, Block 608B, Block 609, Block 610A, Block 610B, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616A, Block 625, Block 626, Block 627A, Block 627B, Block 628; Block Group 7: Block 701, Block 702, Block 703, Block 704; Block Group 9: Block 901, Block 902; Tract 0121.04: Block Group 1, Block Group 3: Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321A, Block 321B, Block 321C, Block 323A, Block 323B, Block 324A, Block 324B, Block 324C, Block 325, Block 326, Block 327, Block 328A, Block 328B, Block 329A, Block 329B, Block 330; Block Group 4: Block 403, Block 434A, Block 434B; Tract 0122, Tract 0123.02, Tract 0123.03: Block Group 4, Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523C, Block 524B, Block 524C, Block 524D, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530; Block Group 6, Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905, Block 906A, Block 906B, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918B, Block 918D, Block 919, Block 920, Block 921, Block 922,

Block 923, Block 924, Block 925; Tract 0123.04: Block Group 3, Block Group 5, Block Group 9: Block 901A, Block 901B, Block 902B, Block 903B, Block 904B, Block 906A, Block 906B, Block 906C, Block 906D, Block 906E, Block 907, Block 908A, Block 908B, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914; Tract 0124.03: Block Group 7: Block 701A, Block 701B, Block 701C, Block 701D, Block 702, Block 703, Block 706, Block 707, Block 708A, Block 708B, Block 708C, Block 708D, Block 708E, Block 708F, Block 709A, Block 709B, Block 709C, Block 709D, Block 710A, Block 710B, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719A, Block 719B, Block 720A, Block 720B, Block 721A, Block 721B, Block 721C, Block 721D, Block 722A, Block 722B, Block 722C, Block 723, Block 724, Block 727, Block 728, Block 729, Block 730, Block 731, Block 732, Block 733B, Block 734E, Block 734M, Block 735A, Block 735B, Block 736A, Block 736B, Block 736C, Block 736D, Block 736E, Block 737A, Block 737B, Block 737C, Block 738A, Block 738B, Block 738C, Block 739, Block 741A, Block 741B, Block 742; Tract 0129.01: Block Group 1: Block 101A, Block 102A, Block 102M, Block 102N, Block 102P, Block 103, Block 104A, Block 104B, Block 104C, Block 104D, Block 104E, Block 105A, Block 105B, Block 106A, Block 106B, Block 106C, Block 107A, Block 107B, Block 107C; Tract 0129.05: Block Group 1: Block 101A, Block 102A, Block 102B, Block 102K; Block Group 2: Block 202A, Block 202B, Block 202C, Block 202D, Block 203, Block 204A, Block 204B, Block 205, Block 206; Tract 0129.09: Block Group 9: Block 906A, Block 906C, Block 907A, Block 907B, Block 908; Tract 0139.02: Block Group 2: Block 201A, Block 201B, Block 201C, Block 202A, Block 202B, Block 209, Block 210; Block Group 3, Block Group 4: Block 408, Block 409, Block 410, Block 411, Block 422, Block 423, Block 426, Block 427, Block 428, Block 429, Block 430; Tract 0140: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115A, Block 115C, Block 116, Block 117, Block 118A, Block 118B, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217A, Block 217B, Block 217C, Block 218A, Block 218B, Block 219A, Block 219B, Block 219C, Block 219D, Block 220, Block 221, Block 222A, Block 222B, Block 222C, Block 222D, Block 222E, Block 222F, Block 222G, Block 222H, Block 222J, Block 222K, Block 223A, Block 223B, Block 223C, Block 223D, Block 223E, Block 223F, Block 223G, Block 223H, Block 223J, Block 224A, Block 224C, Block 225, Block 226A, Block 226B, Block 227B, Block 227C, Block 230B, Block 230C, Block 230D, Block 230E, Block 230G, Block 230H, Block 230J, Block 230K, Block 230L, Block 230M, Block 230N, Block 230P, Block 230R, Block 230T, Block 231, Block 232, Block 233, Block 234A, Block 234B, Block 234C, Block 234D, Block 234E, Block 234F, Block 234G, Block

234H, Block 234J, Block 234K, Block 234L, Block 234M, Block 235A, Block 235B, Block 235C, Block 235D, Block 235E, Block 235F, Block 235G, Block 235H, Block 235J, Block 236A, Block 236B, Block 236C, Block 236D, Block 236E, Block 236F, Block 236G, Block 236H, Block 236J, Block 236K, Block 236L, Block 236M, Block 236N, Block 236P, Block 236R, Block 237, Block 238A, Block 238B, Block 238C, Block 238D, Block 239A, Block 239B, Block 240A, Block 240B, Block 241A, Block 241B, Block 241C, Block 242, Block 243A, Block 243B, Block 244A, Block 244B, Block 244C, Block 245A, Block 245B, Block 245C, Block 246A, Block 246B, Block 247A, Block 247B, Block 247C; Tract 0141.02: Block Group 1: Block 101B, Block 101C, Block 104, Block 106, Block 110, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127; Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 206, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 244, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 281; Block Group 3: Block 301, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377; Block Group 4, Block Group 5; Tract 0141.03, Tract 0141.04: Block Group 1: Block 101E, Block 109, Block 110A, Block 110B, Block 110C, Block 110D, Block 110E, Block 110F, Block 111, Block 117C, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123A, Block 123B, Block 123C, Block 123D, Block 123E, Block 124A, Block 124B, Block 124C, Block 124D, Block 125, Block 126A, Block 126B, Block 127, Block 128, Block 132A, Block 132B, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140; Block Group 2; Tract 0141.05: Block Group 2: Block 205, Block 206, Block 212, Block 213A, Block 213C, Block 213D, Block 213E; Block Group 9: Block 903A, Block 903B, Block 903C, Block 903D, Block 903E, Block 904, Block 905, Block 907A, Block 907B, Block 907C, Block 912A, Block 912B, Block 912C, Block 913A, Block 913B, Block 914, Block 915; Tract 0142.03, Tract 0142.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110A,

Block 110C, Block 110D, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119A, Block 119B, Block 120, Block 121A, Block 121B, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132A, Block 132B, Block 133A, Block 133B, Block 134A, Block 134B, Block 134C, Block 135, Block 136A, Block 136B, Block 137, Block 138, Block 139, Block 140; Block Group 9: Block 902A, Block 902B, Block 902C, Block 903, Block 904, Block 905, Block 906A, Block 906B, Block 906C, Block 907A, Block 907B, Block 908A, Block 908B, Block 908C, Block 908D, Block 908E, Block 908F, Block 909, Block 910A, Block 910B, Block 911A, Block 911B, Block 911C, Block 912A, Block 912B, Block 913A, Block 913B, Block 914A, Block 914B, Block 915A, Block 915B, Block 916A, Block 916B, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925A, Block 925B, Block 925C, Block 926, Block 927, Block 928, Block 929, Block 930, Block 931, Block 932, Block 933, Block 934, Block 935, Block 949; Tract 0144.03: Block Group 1: Block 101B, Block 101C, Block 101D, Block 101E, Block 101F, Block 101G, Block 101H, Block 101J, Block 101K, Block 101L, Block 101M, Block 101N, Block 101P, Block 101R, Block 105, Block 106, Block 107A, Block 107B, Block 108A, Block 108B, Block 108C, Block 109, Block 110A, Block 110B, Block 111A, Block 111B; Block Group 2, Block Group 3, Block Group 4; Tract 0144.04: Block Group 1: Block 101, Block 102A, Block 102B, Block 102C, Block 102D, Block 102E, Block 102F, Block 103, Block 104A, Block 104B, Block 104C, Block 104D, Block 104E, Block 104F, Block 104G, Block 104H, Block 104J, Block 104K, Block 106A, Block 106B, Block 107, Block 108A, Block 108B, Block 108C, Block 108D, Block 109A, Block 109B, Block 109C, Block 109D, Block 109E, Block 109F, Block 109G, Block 109H, Block 109J, Block 109K, Block 109L, Block 109M, Block 109N, Block 110A, Block 110B, Block 110C, Block 110D, Block 111A, Block 111B, Block 111C, Block 112A, Block 112B, Block 112C, Block 112D, Block 112E, Block 112F, Block 112G, Block 112H, Block 112J, Block 112M, Block 112N, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120A, Block 120B, Block 121, Block 122A, Block 122B, Block 122C, Block 123, Block 124; Tract 0144.05: Block Group 3: Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 324B, Block 324E, Block 326A, Block 326B, Block 327, Block 328, Block 329, Block 330, Block 331A; Tract 0144.06: Block Group 4, Block Group 8: Block 809A, Block 810A, Block 810D, Block 811A, Block 812, Block 813, Block 814A, Block 814B, Block 823A, Block 824A, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831A, Block 831B, Block 832A, Block 832B, Block 832C, Block 832D, Block 833; Tract 0144.07: Block Group 5: Block 528, Block 529A, Block 529B, Block 529C, Block 529D, Block 530A, Block 530B, Block 531, Block 532A, Block 532B, Block 532C, Block 532D, Block 533A, Block 533B, Block 534.

Which was adopted.

Yeas 15 Nays 1
Abstaining 3

Yeas:

Senators:

Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Foshee, Ghee,
Hale, Little, Mitchell, Mitchem, Owens, Smith (J), and Waggoner -15

Nay: Senator Escott-Russell

- 1

Abstaining:

Senators:

Bailey, Corbett, and Horn

- 3

RECESS

At 3:50 P.M., on motion of Senator deGraffenried, the Senate took a recess until 4:50 P.M.

At 4:50 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 59. INVITING A. MICHAEL ESPY, THE UNITED STATES SECRETARY OF AGRICULTURE, TO ADDRESS THE LEGISLATURE.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF SB 111

The Senate proceeded to further consideration of the Bill, SB 111, as amended.

Senator deGraffenried offered the following amendment to the Bill, SB 111, as amended, to-wit:

AMENDMENT TO SB 111, AS AMENDED

To amend Senate Bill 111, as amended, by deleting the language

establishing Senate Districts 22 and 23, page 64, beginning on line 18, thru page 75, line 22, inclusive, and further amend by deleting the language establishing Senate Districts 31, 32, 33, 34, and 35, page 89, beginning on line 23, thru page 102, line 8, inclusive, and inserting in lieu thereof the following new language:

On page 64, beginning on line 18, insert the following:

District 22: Choctaw County: Tract 9567: Block Group 1, Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 207, Block 208, Block 243, Block 244, Block 245, Block 246, Block 249; Block Group 5: Block 501, Block 502, Block 503, Block 527, Block 528, Block 529, Block 530, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544; Block Group 6; Tract 9568: Block Group 1, Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 215, Block 216, Block 217, Block 221, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240A, Block 240B, Block 241A, Block 241B, Block 241C, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247A, Block 247B, Block 248A, Block 248B, Block 249, Block 250A, Block 250B, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260A, Block 260B, Block 261A, Block 261B, Block 262; Block Group 3, Block Group 4, Block Group 5, Block Group 6; Tract 9569, Tract 9570; Clarke County, Conecuh County, Marengo County: Tract 9830: Block Group 4: Block 480, Block 481, Block 486, Block 487, Block 488, Block 489, Block 491, Block 492, Block 493; Tract 9832: Block Group 1: Block 125, Block 126; Block Group 2: Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247; Block Group 3; Tract 9833: Block Group 1: Block 103, Block 104, Block 108A, Block 110A, Block 110B, Block 111A, Block 111B, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117A, Block 117B, Block 118A, Block 118B, Block 119A, Block 119B, Block 120A, Block 120B, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132A, Block 132B, Block 133A, Block 133B, Block 133C, Block 134, Block 135, Block 136A, Block 136B, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148; Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216,

Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262; Block Group 3; Mobile County: Tract 0038.02: Block Group 9: Block 901, Block 902, Block 903A, Block 903B, Block 905, Block 906, Block 907, Block 908, Block 909A, Block 909B, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 929, Block 930, Block 931A; Tract 0056: Block Group 1, Block Group 2: Block 201C, Block 201D, Block 202A, Block 202B, Block 202C, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216A, Block 217A, Block 217B, Block 218B, Block 219C, Block 220A, Block 231B, Block 238, Block 246, Block 247, Block 251, Block 252; Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 303A, Block 303B, Block 304B, Block 304C, Block 308B, Block 309B, Block 310, Block 311, Block 312, Block 313, Block 314A, Block 314B, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351B, Block 351D, Block 352B, Block 353, Block 355, Block 356A, Block 357A, Block 357B, Block 357C, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366B, Block 367B, Block 369, Block 381; Tract 0057: Block Group 1, Block Group 2, Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338A, Block 338B, Block 339A, Block 339B, Block 340, Block 341, Block 342A, Block 342B, Block 343, Block 344, Block 345, Block 346, Block 347A, Block 347B, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354B, Block 354C, Block 355, Block 356, Block 357, Block 358, Block 372B, Block 378A, Block 378B, Block 379A, Block 379B, Block 380A, Block 380B, Block 381A, Block 381B, Block 382, Block 383, Block 384, Block 385, Block 386, Block 387, Block 388, Block 389, Block 390, Block 391, Block 392, Block 393, Block 394, Block 395A, Block 395B, Block 395C, Block 396, Block

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397; Tract 0058, Tract 0059: Block Group 2: Block 291; Monroe County, Washington County.

District 23: Choctaw County: Tract 9567: Block Group 2: Block 206, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 247, Block 248, Block 250, Block 251, Block 252, Block 253, Block 254; Block Group 3, Block Group 4, Block Group 5: Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516A, Block 516B, Block 517A, Block 517B, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538; Tract 9568: Block Group 2: Block 205, Block 206, Block 207A, Block 207B, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 218, Block 219, Block 220, Block 222, Block 223, Block 224, Block 225, Block 226; Dallas County: Tract 9961: Block Group 1: Block 155, Block 156, Block 157, Block 159, Block 160, Block 161, Block 162; Block Group 2: Block 201, Block 202, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 239, Block 240, Block 249, Block 250, Block 251, Block 252, Block 254, Block 255, Block 256; Block Group 3, Block Group 4: Block 401B, Block 402, Block 403, Block 406B, Block 407, Block 408, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420C, Block 421B, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432; Block Group 5; Tract 9964: Block Group 3: Block 301, Block 302B, Block 303B; Block Group 4: Block 401, Block 402, Block 403, Block 407, Block 408, Block 409, Block 410; Tract 9965, Tract 9969, Tract 9970, Tract 9971: Block Group 1; Tract 9973: Block Group 5; Tract 9974; Greene County, Hale County: Tract 9744: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139A, Block 139B, Block 140A, Block 140B, Block 141A, Block 141B, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150A, Block 150B, Block 151A, Block 151B, Block 152, Block 153, Block 154, Block 155A,

Block 155B, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165A, Block 165B, Block 166A, Block 166B, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175A, Block 175B, Block 176A, Block 176B, Block 177A, Block 177B, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188A, Block 188B, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2; Tract 9745: Block Group 1: Block 101, Block 102, Block 103, Block 106, Block 108, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Tract 9746, Tract 9747, Tract 9748, Tract 9749; Lowndes County, Marengo County: Tract 9828, Tract 9829, Tract 9830: Block Group 1, Block Group 2, Block Group 3, Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409A, Block 409B, Block 409C, Block 410, Block 411A, Block 411B, Block 411C, Block 412A, Block 412B, Block 413, Block 414, Block 415A, Block 415B, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450A, Block 450B, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458A, Block 458B, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468, Block 469, Block 470, Block 471, Block 472, Block 473, Block 474, Block 475, Block 476, Block 477, Block 478, Block 479, Block 482, Block 483, Block 484, Block 485, Block 490, Block 494, Block 495, Block 496, Block 497; Block Group 5, Block Group 6; Tract 9831, Tract 9832: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121,

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Block 122, Block 123, Block 124, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175; Block Group 2: Block 201, Block 202, Block 215, Block 216; Tract 9833: Block Group 1: Block 101, Block 102, Block 105, Block 106, Block 107, Block 108B, Block 109; Block Group 2: Block 201, Block 223, Block 224, Block 263; Tract 9834; Perry County, Sumter County, Wilcox County.

On page 89, beginning on line 23, insert the following:

District 31: Coffee County, Covington County, Escambia County.

District 32: Baldwin County, Mobile County: Tract 0038.02: Block Group 1, Block Group 9: Block 904, Block 909C, Block 909D, Block 909E, Block 909F, Block 909G, Block 919, Block 920, Block 931B, Block 932A, Block 932B, Block 932C, Block 932D, Block 932E, Block 933, Block 934, Block 935A, Block 935B, Block 935C, Block 936, Block 937, Block 938, Block 939, Block 940; Tract 0045: Block Group 1: Block 106A, Block 110A, Block 111A, Block 124A, Block 129A; Block Group 2: Block 204B; Tract 0050: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 116A, Block 117A, Block 119A, Block 120, Block 121, Block 122A, Block 122B, Block 126; Block Group 2, Block Group 4: Block 401B; Tract 0051, Tract 0052, Tract 0053: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111A, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127A, Block 127B, Block 127C, Block 127D, Block 128A, Block 128B, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144; Block Group 2; Tract 0054: Block Group 1, Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234A, Block 234B, Block 234C, Block 234D, Block 234E, Block 235B, Block 235C, Block 236A, Block 236B, Block 237; Tract 0055,

Tract 0056: Block Group 2: Block 201A, Block 201B, Block 201E, Block 201F, Block 216B, Block 217C, Block 218A, Block 219A, Block 219B, Block 219D, Block 220B, Block 221, Block 222, Block 223A, Block 223B, Block 224, Block 225, Block 226A, Block 226B, Block 227A, Block 227B, Block 227C, Block 227D, Block 227E, Block 228, Block 231A, Block 231C, Block 232A, Block 232B, Block 235, Block 239, Block 240; Block Group 3: Block 304A, Block 305, Block 306, Block 307, Block 308A, Block 309A, Block 351A, Block 351C, Block 352A, Block 352C, Block 354A, Block 354B, Block 356B, Block 366A, Block 367A, Block 368, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376; Tract 0057: Block Group 3: Block 354A, Block 359A, Block 359B, Block 360A, Block 360B, Block 360C, Block 360D, Block 361, Block 362, Block 363, Block 364A, Block 364B, Block 364C, Block 364D, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372A, Block 372C, Block 373A, Block 373B, Block 373C, Block 373D, Block 374, Block 375, Block 376, Block 377; Tract 0061.01: Block Group 1, Block Group 2: Block 201B, Block 201C; Block Group 8: Block 805, Block 824, Block 830, Block 831, Block 832, Block 833, Block 834, Block 835A, Block 835B, Block 835C, Block 835D, Block 835E, Block 836, Block 837, Block 838, Block 839, Block 840, Block 841A, Block 841B, Block 842, Block 843, Block 844, Block 845, Block 862, Block 863, Block 864; Block Group 9: Block 901A, Block 901B, Block 902A, Block 902B, Block 902C, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908A, Block 908B, Block 908C, Block 908D, Block 909A, Block 909B, Block 910A, Block 910B, Block 910C, Block 911A, Block 911B, Block 911C, Block 911D, Block 911E, Block 911F, Block 912A, Block 912B, Block 913, Block 914, Block 915A, Block 915B, Block 916, Block 917, Block 918, Block 919, Block 934A, Block 935A, Block 938, Block 939A, Block 939B, Block 940, Block 941, Block 942A, Block 942B, Block 942C, Block 943, Block 944, Block 945, Block 946A, Block 946B, Block 946C, Block 946D, Block 947A, Block 947B, Block 948A, Block 948B, Block 949, Block 950A, Block 950B, Block 951, Block 952A, Block 952B, Block 953A, Block 953B, Block 953C, Block 953D, Block 954, Block 955, Block 956, Block 957, Block 958, Block 959, Block 961, Block 962, Block 963, Block 964, Block 965, Block 966, Block 967, Block 968, Block 969, Block 970, Block 971, Block 972, Block 973, Block 974A, Block 975, Block 976, Block 977, Block 980, Block 991, Block 992, Block 993, Block 994, Block 995, Block 996, Block 997; Tract 0061.02: Block Group 9: Block 903A; Tract 0061.03: Block Group 9: Block 901, Block 902, Block 905, Block 906.

District 33: Mobile County: Tract 0005: Block Group 1, Block Group 2, Block Group 4, Block Group 5, Block Group 7; Tract 0006, Tract 0007.01, Tract 0007.02, Tract 0008, Tract 0009.01: Block Group 1: Block 105A, Block 105B, Block 106; Block Group 3; Tract 0009.02, Tract 0009.03, Tract 0012.01, Tract 0014: Block Group 4, Block

Group 5, Block Group 6; Tract 0015.01, Tract 0021: Block Group 1: Block 104, Block 106, Block 115, Block 116, Block 119; Tract 0023.01, Tract 0023.02, Tract 0024, Tract 0025.01, Tract 0025.02, Tract 0026, Tract 0027: Block Group 1, Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223; Block Group 3, Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 515, Block 516, Block 517, Block 518, Block 519; Tract 0028: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 116, Block 119; Block Group 2, Block Group 3, Block Group 4: Block 417, Block 418, Block 419; Block Group 5: Block 512; Tract 0029: Block Group 1, Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218; Block Group 3; Tract 0034.01, Tract 0034.02, Tract 0034.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 131; Tract 0034.05: Block Group 1: Block 101; Tract 0034.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 112, Block 123, Block 124, Block 125, Block 126, Block 127, Block 132; Tract 0034.07: Block Group 1, Block Group 2, Block Group 3, Block Group 4, Block Group 5: Block 501A, Block 501B, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507A, Block 507B, Block 508, Block 513A, Block 513B, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525; Block Group 6, Block Group 8, Block Group 9; Tract 0034.08: Block Group 1, Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Block Group 3; Tract 0038.01, Tract 0039.01, Tract 0039.02, Tract 0040, Tract 0041, Tract 0042, Tract 0043, Tract 0044, Tract 0045: Block Group 1: Block 101, Block 102A, Block 102B, Block 103, Block 104A, Block 104B, Block 105A, Block 105B, Block 106B, Block 107, Block 108, Block 109, Block 110B, Block 111B, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 124B, Block 126, Block 127, Block 129B, Block 130, Block 131; Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 204C, Block 204D, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Tract 0046, Tract 0047, Tract 0048, Tract 0049, Tract 0050: Block Group 1: Block 101C, Block 116B, Block 117B, Block 118, Block 119B, Block 122C; Block Group

3, Block Group 4: Block 401A, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421; Tract 0053: Block Group 1: Block 111B; Tract 0054: Block Group 2: Block 235A; Tract 0061.01: Block Group 2: Block 201A, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 9: Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 927, Block 928, Block 929, Block 930, Block 931, Block 932, Block 933, Block 934B, Block 935B, Block 936, Block 937, Block 960, Block 974B, Block 978, Block 979, Block 981, Block 982, Block 983, Block 984, Block 985, Block 986, Block 987, Block 988, Block 989, Block 990; Tract 0061.02: Block Group 9: Block 901A, Block 901B, Block 902, Block 903B, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927; Tract 0061.03: Block Group 2, Block Group 9: Block 903, Block 904, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 929, Block 930, Block 931, Block 932, Block 933, Block 934; Tract 0063.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 195, Block 196, Block 197; Tract 0161.03.

District 34: Mobile County: Tract 0027: Block Group 2: Block 210; Block Group 4: Block 411; Block Group 5: Block 514; Tract 0028: Block Group 1: Block 110, Block 111, Block 114, Block 115, Block 117, Block 118; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 513, Block 514; Tract 0031: Block Group 1, Block Group 3; Tract 0032.02, Tract 0032.03, Tract 0032.04, Tract 0032.05, Tract 0033.01, Tract 0033.02, Tract 0034.04: Block Group 1: Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 134, Block 136, Block 139, Block 140, Block 141; Tract 0034.05: Block Group 1: Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 130, Block 131, Block 132, Block 134; Tract 0034.06: Block Group 1:

Block 110, Block 111, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 128, Block 129, Block 130, Block 131; Tract 0034.07: Block Group 5: Block 509, Block 510, Block 511, Block 512; Block Group 7; Tract 0034.08: Block Group 2: Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Tract 0035.01, Tract 0035.02, Tract 0036.02, Tract 0036.04, Tract 0036.05, Tract 0036.06, Tract 0036.07, Tract 0037.03, Tract 0037.04, Tract 0037.05, Tract 0037.06, Tract 0037.07, Tract 0037.08, Tract 0037.09: Block Group 3: Block 301, Block 302, Block 303; Tract 0059: Block Group 1, Block Group 2: Block 201, Block 202A, Block 202B, Block 203A, Block 203B, Block 204, Block 205, Block 206A, Block 206B, Block 207, Block 208A, Block 208B, Block 209, Block 210A, Block 210B, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Block Group 3; Tract 0060, Tract 0061.01: Block Group 3, Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 825, Block 826, Block 827, Block 828, Block 829, Block 846, Block 847, Block 848, Block 849, Block 850, Block 851, Block 852, Block 853, Block 854, Block 855, Block 856, Block 857, Block 858, Block 859, Block 860, Block 861; Block Group 9: Block 926; Tract 0062, Tract 0063.01, Tract 0063.02: Block Group 1: Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block

175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194; Block Group 9; Tract 0064.01, Tract 0064.02, Tract 0064.03, Tract 0064.04, Tract 0064.05, Tract 0068.01, Tract 0069.01; Block Group 3: Block 304.

District 35: Mobile County: Tract 0001, Tract 0002, Tract 0003, Tract 0004.01, Tract 0004.02, Tract 0005: Block Group 3; Tract 0009.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2; Tract 0010.01, Tract 0010.02, Tract 0011, Tract 0012.03, Tract 0012.04, Tract 0012.99, Tract 0013.01, Tract 0013.02, Tract 0014: Block Group 1, Block Group 2, Block Group 3; Tract 0015.02, Tract 0016, Tract 0016.99, Tract 0017, Tract 0018, Tract 0019.01, Tract 0019.02, Tract 0020, Tract 0021: Block Group 1: Block 101, Block 102, Block 103, Block 105, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 117, Block 118; Block Group 2, Block Group 3, Block Group 4; Tract 0022, Tract 0029: Block Group 2: Block 201; Tract 0030, Tract 0031: Block Group 2; Tract 0037.09: Block Group 2, Block Group 3: Block 304, Block 305, Block 306, Block 307; Tract 0037.10, Tract 0065, Tract 0066, Tract 0067, Tract 0068.02, Tract 0069.01: Block Group 1, Block Group 2, Block Group 3: Block 301, Block 302, Block 303, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349; Tract 0070, Tract 0071.01, Tract 0071.02, Tract 0071.03, Tract 0072.01, Tract 0072.02, Tract 0073.

Which was adopted.

Yeas 21 Nays 1

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Floyd, Ghee, Hale, Langford, Lindsey, Lipscomb, Mitchem, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom -21

Nay: Senator Sanders

- 1

Senators Horn and Sanders offered the following substitute for the Bill, SB 111, as amended, to-wit:

SUBSTITUTE FOR SB 111, AS AMENDED

To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

On motion of Senator deGraffenried, said substitute was laid on the table.

Senator Wilson offered the following amendment to the Bill, SB 111, as amended, to-wit:

AMENDMENT TO SB 111, AS AMENDED

To amend Senate Bill 111, as amended, by deleting the language establishing Senate District 5, page 7, beginning on line 3, thru page 11, line 5, inclusive, and further by deleting the language establishing Senate District 21, beginning on page 62, line 8, thru page 64, line 17, inclusive, and inserting in lieu thereof the following new language:

On page 7, beginning on line 3, insert the following:

District 5: Pickens County: Tract 9876, Tract 9877, Tract 9878: Block Group 1: Block 101, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 209, Block 210; Tract 9879: Block Group 1, Block Group 2, Block Group 3, Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 469, Block 470, Block 471, Block 472; Tract 9880, Tract 9881: Block Group 1, Block Group 2, Block Group 3, Block Group 4, Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510A, Block 510B, Block 510C, Block 511, Block 512, Block 513, Block 514A, Block 514B, Block 515A, Block 515B, Block 515C, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549, Block 550, Block 551, Block 552, Block 553, Block 554, Block 555, Block 556, Block 557, Block 558, Block 559, Block 560, Block 561, Block 562, Block 563, Block 564, Block 565, Block 566, Block 567, Block 568, Block 569, Block 570, Block 571, Block 572, Block 573, Block 574, Block 575, Block 576; Tuscaloosa County: Tract 0101: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block

213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219A, Block 219B, Block 219C, Block 219D, Block 219E, Block 219F, Block 219G, Block 219H, Block 220, Block 221A, Block 221B, Block 221C, Block 221D, Block 221E, Block 222A, Block 222B, Block 222C, Block 222D, Block 222E, Block 222F, Block 222G, Block 222H, Block 222J, Block 222K, Block 223A, Block 223B, Block 223C, Block 223D, Block 223E, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 293, Block 294, Block 295, Block 296; Block Group 3, Block Group 4, Block Group 5, Block Group 6, Block Group 7, Block Group 8; Tract 0102, Tract 0103: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110A, Block 110B, Block 111, Block 112, Block 120A, Block 120B, Block 121A, Block 121B, Block 122, Block 123, Block 124, Block 125, Block 126, Block 132A, Block 132B, Block 133A, Block 133B, Block 134A, Block 134B, Block 135A, Block 135B, Block 136A, Block 136B, Block 136C, Block 136D, Block 137A, Block 137B, Block 137C, Block 137D, Block 138A, Block 138B, Block 139A, Block 139B, Block 140A, Block 140B, Block 140C, Block 140D, Block 140E, Block 140F, Block 141, Block 142, Block 143, Block 144, Block 145A, Block 145B, Block 145C, Block 146A, Block 146B, Block 146C, Block 146D, Block 147, Block 148A, Block 148B, Block 148C, Block 149A, Block 149B, Block 149C, Block 149D, Block 149E, Block 149F, Block 149G, Block 149H, Block 150, Block 151A, Block 151B, Block 153A, Block 153B, Block 153C, Block 153D, Block 154, Block 155, Block 156, Block 160, Block 162A, Block 162B, Block 166, Block 167, Block 168A, Block 168B, Block 168C, Block 168D, Block 169A, Block 169B, Block 170A, Block 170B, Block 171A, Block 171B, Block 172A, Block 172B, Block 172C, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178A, Block 178B, Block 179, Block 180A, Block 180B, Block 180C, Block 180D, Block 180E, Block 180F, Block 180G, Block 180H, Block 180J, Block 180K, Block 180L, Block 184A, Block 184B, Block 185, Block 186A, Block 186B, Block 186C, Block 186D, Block 186E, Block 186F, Block 187, Block 188, Block 189, Block 190A, Block 190B, Block 190C, Block 190D, Block 191, Block 192, Block 193A, Block 193B, Block 193C, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 211; Block Group 5: Block 509; Tract 0104.02: Block Group 3: Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308A, Block 308B, Block 308C, Block 309, Block 310, Block 311A, Block 311B, Block 311C,

Block 311D, Block 311E, Block 312, Block 313; Tract 0104.03, Tract 0104.04: Block Group 1, Block Group 2, Block Group 3, Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413A, Block 413B, Block 413C, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440A, Block 440B, Block 441; Walker County, Winston County: Tract 9956: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468, Block 469, Block 470, Block 471, Block 472, Block 473, Block 474, Block 475, Block 476, Block 477, Block 478, Block 479, Block 480, Block 481, Block 482, Block 483, Block 484, Block 485, Block 486, Block 487, Block 488, Block 489, Block 490, Block 491, Block 492; Block Group 5: Block 522; Tract 9959: Block Group 1: Block 147, Block 148, Block 149, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162; Block Group 2, Block Group 3: Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319A, Block 319B, Block 320, Block 321A, Block 321B, Block 321C, Block 321D, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331A, Block 331B, Block 332A, Block 332B, Block 332C, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349A, Block 349B, Block 350, Block 351, Block 352, Block 353, Block 354A, Block 354B, Block 355, Block 356A, Block 356B, Block 356C, Block 357A, Block 357B, Block 357C, Block 358A, Block 358B, Block 358C, Block 359A, Block 359B, Block 360A, Block 360B, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378, Block 379, Block 380, Block 381, Block 382, Block 383, Block 384, Block 385.

On page 62, beginning on line 8, insert the following:

District 21: Hale County: Tract 9743, Tract 9745: Block Group 1:

Block 104, Block 105, Block 107, Block 109; Tuscaloosa County: Tract 0101: Block Group 1, Block Group 2: Block 269, Block 270, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 297; Tract 0103: Block Group 1: Block 113, Block 114, Block 115, Block 116, Block 117A, Block 117B, Block 118A, Block 118B, Block 119A, Block 119B, Block 127, Block 128, Block 129A, Block 129B, Block 130A, Block 130B, Block 131A, Block 131B, Block 152, Block 157, Block 158, Block 159, Block 161, Block 163, Block 164, Block 165, Block 181, Block 182, Block 183; Block Group 2: Block 208, Block 209, Block 210, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233; Block Group 3, Block Group 4, Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549, Block 550; Tract 0104.02: Block Group 1, Block Group 2, Block Group 3: Block 301, Block 314, Block 315, Block 316; Tract 0105, Tract 0106, Tract 0107, Tract 0108.01, Tract 0108.02, Tract 0109, Tract 0110, Tract 0111, Tract 0112, Tract 0114, Tract 0115, Tract 0116, Tract 0117.01, Tract 0117.02, Tract 0118, Tract 0119, Tract 0120, Tract 0121, Tract 0122, Tract 0123.01, Tract 0123.02, Tract 0124.01, Tract 0124.02, Tract 0125.

On motion of Senator deGraffenried, said amendment was laid on the table.

Senator Wilson offered the following amendment No. 2 to the Bill, SB 111, as amended, to-wit:

AMENDMENT NO. 2 TO SB 111, AS AMENDED

To amend Senate Bill 111, as amended, by deleting the language establishing Senate District 5, page 7, beginning on line 3, thru page 11, line 6, and further by deleting the language establishing Senate District 21, page 62, beginning on line 8, thru page 64, line 17, inclusive, and inserting in lieu thereof the following new language:

On page 7, beginning on line 3, insert the following:

District 5: Pickens County: Tract 9876, Tract 9877, Tract 9878:

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Block Group 1: Block 101, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 209, Block 210; Tract 9879: Block Group 1, Block Group 2, Block Group 3, Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 469, Block 470, Block 471, Block 472; Tract 9880, Tract 9881: Block Group 1, Block Group 2, Block Group 3, Block Group 4, Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510A, Block 510B, Block 510C, Block 511, Block 512, Block 513, Block 514A, Block 514B, Block 515A, Block 515B, Block 515C, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549, Block 550, Block 551, Block 552, Block 553, Block 554, Block 555, Block 556, Block 557, Block 558, Block 559, Block 560, Block 561, Block 562, Block 563, Block 564, Block 565, Block 566, Block 567, Block 568, Block 569, Block 570, Block 571, Block 572, Block 573, Block 574, Block 575, Block 576; Tuscaloosa County: Tract 0101, Tract 0102, Tract 0103: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110A, Block 110B, Block 111, Block 112, Block 120A, Block 120B, Block 121A, Block 121B, Block 122, Block 123, Block 124, Block 125, Block 126, Block 132A, Block 132B, Block 133A, Block 133B, Block 134A, Block 134B, Block 135A, Block 135B, Block 136A, Block 136B, Block 136C, Block 136D, Block 137A, Block 137B, Block 137C, Block 137D, Block 138A, Block 138B, Block 139A, Block 139B, Block 140A, Block 140B, Block 140C, Block 140D, Block 140E, Block 140F, Block 141, Block 142, Block 143, Block 144, Block 145A, Block 145B, Block 145C, Block 146A, Block 146B, Block 146C, Block 146D, Block 147, Block 148A, Block 148B, Block 148C, Block 149A, Block 149B, Block 149C, Block 149D, Block 149E, Block 149F, Block 149G, Block 149H, Block 150, Block 151A, Block 151B, Block 153A, Block 153B, Block 153C, Block 153D, Block 154, Block 155, Block 156, Block 160, Block 162A, Block 162B, Block 166, Block 167, Block 168A, Block 168B, Block 168C, Block 168D, Block 169A, Block 169B, Block 170A, Block 170B, Block 171A, Block 171B, Block 172A, Block 172B, Block 172C, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178A, Block 178B, Block 179, Block 180A, Block 180B, Block 180C, Block 180D, Block 180E, Block 180F, Block 180G, Block 180H, Block 180J, Block 180K, Block 180L, Block 184A, Block 184B, Block 185, Block 186A, Block 186B, Block 186C, Block 186D, Block 186E, Block 186F, Block 187, Block 188, Block 189, Block 190A, Block 190B, Block 190C, Block 190D, Block 191, Block 192, Block 193A, Block 193B, Block 193C, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206,

Block 207, Block 211; Block Group 5: Block 509; Tract 0104.02: Block Group 3: Block 308A, Block 310, Block 311A, Block 311B, Block 311C, Block 311D, Block 311E, Block 312, Block 313; Tract 0104.03, Tract 0104.04: Block Group 1, Block Group 2, Block Group 3, Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413A, Block 413B, Block 413C, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440A, Block 440B, Block 441; Walker County, Winston County: Tract 9956: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468, Block 469, Block 470, Block 471, Block 472, Block 473, Block 474, Block 475, Block 476, Block 477, Block 478, Block 479, Block 480, Block 481, Block 482, Block 483, Block 484, Block 485, Block 486, Block 487, Block 488, Block 489, Block 490, Block 491, Block 492; Block Group 5: Block 522; Tract 9959: Block Group 1: Block 147, Block 148, Block 149, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162; Block Group 2, Block Group 3: Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319A, Block 319B, Block 320, Block 321A, Block 321B, Block 321C, Block 321D, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331A, Block 331B, Block 332A, Block 332B, Block 332C, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349A, Block 349B, Block 350, Block 351, Block 352, Block 353, Block 354A, Block 354B, Block 355, Block 356A, Block 356B, Block 356C, Block 357A, Block 357B, Block 357C, Block 358A, Block 358B, Block 358C, Block 359A, Block 359B, Block 360A, Block 360B, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378, Block 379, Block 380, Block 381, Block 382, Block 383, Block 384, Block 385.

On page 62, beginning on line 8, insert the following:

District 21: Hale County: Tract 9743, Tract 9745; Block Group 1: Block 104, Block 105, Block 107, Block 109; Tuscaloosa County: Tract 0103: Block Group 1: Block 113, Block 114, Block 115, Block 116, Block 117A, Block 117B, Block 118A, Block 118B, Block 119A, Block 119B, Block 127, Block 128, Block 129A, Block 129B, Block 130A, Block 130B, Block 131A, Block 131B, Block 152, Block 157, Block 158, Block 159, Block 161, Block 163, Block 164, Block 165, Block 181, Block 182, Block 183; Block Group 2: Block 208, Block 209, Block 210, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233; Block Group 3, Block Group 4, Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549, Block 550; Tract 0104.02: Block Group 1, Block Group 2, Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308B, Block 308C, Block 309, Block 314, Block 315, Block 316; Tract 0105, Tract 0106, Tract 0107, Tract 0108.01, Tract 0108.02, Tract 0109, Tract 0110, Tract 0111, Tract 0112, Tract 0114, Tract 0115, Tract 0116, Tract 0117.01, Tract 0117.02, Tract 0118, Tract 0119, Tract 0120, Tract 0121, Tract 0122, Tract 0123.01, Tract 0123.02, Tract 0124.01, Tract 0124.02, Tract 0125.

On motion of Senator deGraffenried, said amendment was laid on the table.

And said Bill, SB 111, as amended, was read a third time at length and passed and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 8
Abstaining 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

Senators:

Bennett, Escott-Russell, Figures, Floyd, Horn, Langford, Parsons, and Sanders - 8

Abstaining: Senator Amari

- 1

Senator deGraffenried moved that the Senate reconsider the vote by which the Bill, SB 111, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate Amendment to the Bill:

H. 301. To amend Section 38-4-12 and Section 40-8-3, Code of Alabama 1975, to appropriate the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors to veterans home programs.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Butler, McMillan, and Fuller.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 301, the title of which is set out in the foregoing Message from the House.

Yeas 26 Nays 2

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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Nays:

Senators:

Escott-Russell and Sanders

- 2

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Smith (B), Denton, and Hale.

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ADJOURNMENT

At 5:55 P.M., on motion of Senator deGraffenried, the Senate adjourned until Thursday, March 18, 1993, at 10 o'clock A.M.

FIFTEENTH LEGISLATIVE DAY

THURSDAY, MARCH 18, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Larry Dixon, Twenty-Fifth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Clarissa Bradford, Carver High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Mitchem for today.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 23, 1993, at 11 o'clock A.M., which motion was adopted.

RESOLUTIONS

Senator Langford requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 60. RECOGNIZING JULY 13, 1993, AS THE 25TH ANNIVERSARY OF GOODWILL INDUSTRIES OF CENTRAL ALABAMA, INC.

WHEREAS, the disabled and handicapped who seek to contribute the fruits of their labor to the betterment of our State are worthy of the support of all the citizens of Central Alabama; and

WHEREAS, vocational rehabilitation of the disabled and handicapped requires a comprehensive program of services administered by a professional staff, including vocational assessment and counseling, guidance, job training and placement; and

WHEREAS, Goodwill Industries of America was founded to answer the growing needs of our local communities for vocational rehabilitation services to handicapped and disabled citizens, "Offering a Chance and Not Charity"; and

WHEREAS, Goodwill Industries of Central Alabama, Inc., which has been providing these vital services to the disabled in our communities since July 1968, depends for its annual budget upon Federal service contracts for Vocational Rehabilitation Services (VRS), as well as upon the donations of time, money, goods and services received from the generous citizens of Alabama; and

WHEREAS, Goodwill Industries of Central Alabama, Inc., is accredited by the Commission on Accreditation of Rehabilitation Facil-

ities (CARF), as well as by the Federal Department of Labor, Wage and Hour Division; and

WHEREAS, Goodwill Industries of Central Alabama, Inc., was recognized as the "1982 Facility of the Year" by the Alabama Association of Rehabilitation Facilities; and

WHEREAS, in 1992 alone, Goodwill Industries of Central Alabama, Inc., provided training and employment to 111 disabled employees and 113 VRS employees, and enabled five disabled clients and 41 VRS clients to reenter the workforce; and

WHEREAS, as of January 1993, 241 clients were receiving paychecks from Goodwill Industries of Central Alabama, Inc.; and

WHEREAS, July 13, 1993, has been set aside as the 25th Anniversary of Goodwill Industries of Central Alabama, Inc.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize July 13, 1993, as the 25th Anniversary of Goodwill Industries of Central Alabama, Inc., and do further urge the citizens of Alabama to continue their support of this outstanding service facility.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 61. COMMENDING RICHARD ASHLEY THIGPEN FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA, 1970-1992.

WHEREAS, it is with utmost appreciation that the Legislature of Alabama commends Dr. Richard Ashley Thigpen on his distinguished tenure as a member of the Law Faculty at the University of Alabama, 1970-1992, and as Executive Vice President, and acting Chief Executive Officer, 1975-77; and

WHEREAS, a native of Birmingham, Dr. Thigpen received his A.B., M.A., J.D., and LL.D (Honorary) degrees from the University of Alabama, and his LL.M degree from Yale University; and

WHEREAS, Dr. Thigpen, over the course of his career at the University was professor, mentor and friend to countless young law students, many of whom attribute their love of the law and their professional success to the thoroughness of his courses, his ability to impart subject matter clearly and concisely, and his expectation that his students perform to their potential; and

WHEREAS, reflecting the outstanding success of Dr. Thigpen's career are such distinctions as the Algernon Sydney Sullivan Award, Bernerd Weber History Award, Kappa Phi Kappa Preeminent Educator Award, and the University of Alabama Outstanding Commitment to Teaching Award; and

WHEREAS, in addition to his professional duties, however, Dr. Thigpen was Editor of the Alabama Government Manual, 8th edition, Fall, 1982; served as Director of the Alabama Medicaid Study for the Alabama Law Institute and the State Legislature; Reporter, Revised Business Corporation Act of 1993, Alabama Law Institute; and was the author of numerous other professional publications, papers and presentations; and

WHEREAS, in further professional and civic service, he served as State Chairman of the Alabama Heart Fund, President of the UA Chapter of AAUP, member of the Stillman College Board of Trustees, and as UA Faculty Chairman of Athletics, among numerous other leadership activities; and

WHEREAS, Dr. Richard A. Thigpen has indeed long and well served the University of Alabama, the UA School of Law, the legal community and the State of Alabama, and it is with deep gratitude that we recognize the many extraordinary accomplishments of his career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby highly commend Dr. Richard A. Thigpen for outstanding professional achievement and service, and do further direct that he receive a copy of this resolution, executed in sincere praise and with warmest personal regard.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Ghee requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 62. RELATING TO ART EDUCATION AND DESIGNATING ARTS EDUCATION AWARENESS MONTH.

WHEREAS, the Legislature of Alabama has a responsibility to

provide for K-12 education for Alabama school children and all Alabama school children deserve the most advantageous curriculum that can be provided; and

WHEREAS, our last eight Presidents have affirmed the idea that the arts are at the core of what we are and, therefore, of what we should know; and

WHEREAS, education in the arts is basic to understanding civilization, developing creativity, learning the tools of communication, and developing a capacity for making wise choices among the products of the arts; and the arts are as basic to education as reading, mathematics, and the physical sciences; and

WHEREAS, the arts are a generally neglected curriculum in the majority of Alabama elementary and secondary schools, and numerous national and state reports such as A Nation at Risk; Reinventing the Wheel, National Conference of State Legislatures; and America 2000 Arts Partnership have called for increased support of arts education; and

WHEREAS, the Alabama Alliance for Arts Education, the Alabama State Council on the Arts, the Alabama PTA, and the State Department of Education have participated in the development of the CAP 2000 Plan (comprehensive arts planning) for arts education in Alabama; and

WHEREAS, a recent Capstone Poll reveals that the vast majority of principals of Alabama's public schools think that it is "very important for all students to have access to study the arts," even though there is presently no state funding for creation of designated teacher units in arts education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. That education in the arts, including dance, music, theater, and the visual arts, is an important component of basic K-12 public education in Alabama.

2. That March of 1993 is designated as "Arts Education Awareness Month" in the State of Alabama.

3. That "Standards of Excellence for Arts Education in Alabama Schools," published by the Consortium of Alabama Arts Education Associations is endorsed as an appropriate standard for arts education in Alabama Public Schools.

4. That education in the arts, including dance, music, theater, and the visual arts, is an increasingly important component of "basic"

public education in Alabama, and for that reason the State Department of Education is urged to develop courses of study in those areas constituting arts education for which courses of study do not already exist, such as dance and theater, in order to provide a basis for decisions regarding appropriations as state funding is made available.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the State Board of Education and the State Superintendent of Education.

On motion of Senator Ghee, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Waggoner, Hale, and Parsons requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 63. MOURNING THE DEATH OF OCIE COOK OF ARAB, ALABAMA.

WHEREAS, it is with immense sorrow and regret that the Alabama Legislature records the death of Ocie Cook of Arab, Alabama, on March 8, 1993, at the age of 83 years; and

WHEREAS, Ocie Cook, founder of Eagle Motor Lines which at one time was one of the largest trucking companies in the area, was a true pioneer in the trucking business; and

WHEREAS, Mr. Cook left his Cullman County farm and family in 1934 in search of a job, which he found driving a truck for the Deaton Company in Birmingham; eleven years later, in 1945, with a limited education and very little money, he started Eagle Motor Lines which through his determination, hard work and perseverance, grew to have 600 trucks and 900 trailer rigs with routes running throughout the United States; and

WHEREAS, he sold the business in 1973, and returned to the farm and, at the time of his death, had some 400 cattle and extensive land holdings in Cullman County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Ocie Cook of Arab, Alabama, and extend heartfelt sympathy to his wife, Mrs. Eloise Cook; sons, Doug Cook and Ocie Cook, Jr.; daughters, Ionia Pitts, Mary Ellen Oaks, Carolyn McConnell and Carol Thompson; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Parsons requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 64. REQUESTING THE COMMISSIONER OF REVENUE TO ACT TO END THE ABUSES OF DEALER LICENSE PLATES ON MOTOR VEHICLES AND TO SUPPORT H. 24 OF THE 1993 REGULAR SESSION.

WHEREAS, State law allows licensed car dealers to purchase demonstration tags at one dollar (\$1) each to be used on cars in the dealer's inventory for demonstration purposes; and

WHEREAS, over 30,000 dealer tags and dealer transit tags, used to transport vehicles between dealerships, are sold annually; and

WHEREAS, the unlawful use of dealer tags on personal automobiles is rampant in Alabama; and the one dollar (\$1) fee for dealer plates dates back to 1911; and

WHEREAS, our surrounding sister states impose much more realistic charges for dealer plates and thus have curtailed the abuses; and

WHEREAS, House Bill 24 of the 1993 Regular Session of the Legislature seeks to remedy the problem of dealer plates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Commissioner of Revenue to take such actions as are necessary to require proof that dealer license plates are actually used by dealers for the purpose for which they were issued.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent forthwith to Commissioner Stan McDonald that he know of our feelings concerning this matter and that we urge him to support H. B. 24 of the current legislative session.

Which was read and referred to the Standing Committee on Rules.

Senators Bedsole, Windom, and Figures requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 65. COMMENDING WALTER HOVELL OF MOBILE, ALABAMA.

WHEREAS, it is with great pleasure that the Alabama Legislature congratulates Walter Hovell as the recipient of "Mobilian of the Year" honors, a bestowal of the Civitan Club of Mobile in recognition of outstanding community service; and

WHEREAS, Walter Hovell, president and chief executive officer of Mobile Gas Corporation, started his career as an accountant in 1961 and, through successive promotions, rose through the ranks to the corporation's top administrative post; and

WHEREAS, Mr. Hovell, a former school dropout who, through prayer and the prayers of his family and friends, turned his life around to finish his high school education; he then served a four-year stint in the U. S. Marine Corps where he acquired self-discipline, and enrolled and graduated from Spring Hill College; and

WHEREAS, in addition to the responsibilities of his career, however, Mr. Hovell has worked equally as hard in service to the community, focusing primarily on the improvement of local education, in keeping with his belief that, in education, lies the key to success; and

WHEREAS, Mr. Hovell has been most particularly active as a member of A+, an education reform group, and as a member of the boards of Bishop State Community College and the Alabama School of Math and Science; he has worked tirelessly, as well, toward a drug-free Mobile, and with health and human service agencies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding community service, and upon his selection as "Mobilian of the Year," we hereby commend Walter Hovell, whom we greatly admire and for whom a copy of this resolution shall be provided.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Foshee, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 66. COMMENDING JOHN D. CRAWFORD, FORMER ASSISTANT SECRETARY OF THE SENATE.

WHEREAS, as a rule, the Legislature does not pass resolutions honoring lobbyists but is making an exception in the case of John D. Crawford, Esquire, Manager of Governmental Affairs for Waste Management, Inc., of Alabama; and

WHEREAS, from January 1979 to November 1990, Johnny Craw-

ford served as Assistant Secretary of the Alabama Senate, during which period he was instrumental in moving the Legislature into the computer and data processing age, and was largely responsible for the design of the Legislature's quarters in the Alabama State House, most especially the space allocated for Senate use; and

WHEREAS, Mr. Crawford, who served as associate vice president in 1984-1985 of the American Society of Legislative Clerks and Secretaries, and as chairman of the Association's Support Staff Committee (1987), also served as vice chairman of the National Conference of State Legislatures' Legislative Organization and Management Committee (1987), and as chairman in 1988; and

WHEREAS, Mr. Crawford's tenure with the Alabama Senate was one of outstanding accomplishment, and his contributions are greatly appreciated by both the Senate and the House of Representatives; and

WHEREAS, our tardiness in commending Mr. Crawford is in no way an oversight on our part, but as he seems to have settled in for the long haul as a lobbyist, we deem it wise to break from tradition and at last publicly acknowledge our gratitude for his many contributions on behalf of this body and the State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service and achievement as Assistant Secretary of the Alabama Senate, we hereby commend John D. Crawford, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

SJR 59. INVITING A. MICHAEL ESPY, THE UNITED STATES SECRETARY OF AGRICULTURE, TO ADDRESS THE LEGISLATURE.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 111. To provide for the reapportionment of the Senate of the Alabama legislature based upon the 1990 census.

DON HALE,
Chairperson.

BILLS ON THIRD READING

Senator Figures requested and received permission to suspend the Rules in order to bring up the following Bill, to-wit:

S. 417. To amend Section 32-6-300 of the Code of Alabama 1975, by providing that owners of all motor vehicles may purchase the "Helping Schools" tags.

On motion of Senator Figures, the Rules were suspended and further consideration of the Bill, SB 417, was postponed subject to the call of the Chair.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 534. Proposing an amendment to the Constitution of Alabama of 1901, to phase out and abolish the supernumerary program for county ad valorem tax officials, and authorizing the tax assessors, tax collectors, revenue commissioners, license commissioners, and other ad valorem tax officials of the various counties participate in the Employees'

Retirement System of Alabama or any other retirement system to which the employees of the officials' respective county may participate by law.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Waggoner:

S. 535. To amend Section 41-16-57, Code of Alabama 1975, relating to competitive bids on certain contracts, to extend the time limit for which a lease-purchase contract may be awarded.

Committee on Governmental
Affairs/State Administration

By Senator Parsons:

S. 536. To establish the "Tobacco Use Act of 1993"; to regulate the sale, distribution, and use of tobacco and tobacco products; to provide penalties for violations; and to repeal Section 13A-12-3, Code of Alabama 1975.

Committee on Judiciary/Civil

By Senator Parsons:

S. 537. Relating to public two-year and four-year institutions of higher education, specifying persons entitled to the resident tuition rate; and specifying the tuition rate for persons not entitled to the resident tuition rate.

Committee on Education

By Senator Bennett (With Notice and Proof):

S. 538. To authorize the Jefferson County Pension Board to offer optional membership to certain employees who are not regular full-time employees or whose jobs do not call for traditional work schedules and to establish an effective date for payment of refunds and interest thereon and to establish a period of time in which membership may be resumed without loss of continuity following a loss of membership eligibility.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 538, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

REGULAR SESSION
15th Day

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By Senator Mitchell:

S. 539. To amend Sections 41-6-8, 41-6-14, and 41-6-15, Code of Alabama 1975, relating to the powers and duties of the Department of Archives and History, to provide that the department may prepare the Alabama official and statistical register and edit the Alabama Historical Quarterly.

**Committee on Governmental
Affairs/State Administration**

By Senator Bennett:

S. 540. To require each person who discharges water pollution directly into the waters of the state and who possesses a water pollution control permit, to post a conspicuous sign near the point of discharge informing the public of any toxic pollutants contained in the discharges; and to provide enforcement of this requirement.

**Committee on Commerce,
Transportation, and Utilities**

By Senator Horn:

S. 541. To make a supplemental appropriation from the State General Fund in the State Treasury to the State Treasurer's Office for the fiscal year ending September 30, 1993.

**Committee on Finance
and Taxation**

By Senator Smith (J):

S. 542. To create the "Equine Activities Liability Protection Act"; to provide for the liability arising out of the death or injury resulting from participating in equine-related activities; to provide exceptions; and to provide for contractual and sign warnings.

**Committee on Agriculture,
Conservation, and Forestry**

By Senator Smith (J):

S. 543. To provide that a party may not gain land from another party through adverse possession in a platted subdivision.

Committee on Judiciary/Civil

By Senators Little, Dial, Hale, Barron, Foshee, Floyd, Corbett, Dixon,

Bolling, Campbell, deGraffenried, Parsons, Owens, Waggoner, Bennett, Horn, Lipscomb, and Smith (B):

S. 544. To amend Section 25-5-50, Code of Alabama 1975, relating to the Workers' Compensation Law, to remove the exception to the exemption for employers constructing single-family residences so that the workers' compensation law would only apply to employers constructing single-family residences who regularly employ more than 5 employees.

Committee on Small Business

By Senators Windom, Floyd, Hale, Little, Parsons, Corbett, Campbell, Figures, Lindsey, Langford, Bedsole, Dixon, Ghee, and Smith (J):

S. 545. To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

Committee on Banking
and Insurance

By Senators Bailey and Bedsole:

S. 546. To amend Section 40-9-1, Code of Alabama 1975, relating to ad valorem tax exemptions, to exempt personal property being purchased through rent-to-own contracts.

Committee on Small Business

By Senator Dixon:

S. 547. To amend Sections 16-9-1, 16-9-2, 16-12-1, and 16-12-2, and to repeal Section 16-9-12, Code of Alabama 1975, relating to county and city superintendents of education; to standardize qualifications and requirements for the superintendents; to require an annual evaluation of the superintendents; and to propose a plan to phase out elected county superintendents.

Committee on Education

By Senator Barron:

S. 548. To amend Section 41-22-27, Code of Alabama 1975,

relating to the Administrative Procedure Act, so as to provide that the Alabama department of environmental management shall fully comply with the provisions of the act.

Select Committee on
Fiscal Responsibility

By Senator Windom:

S. 549. To create the Alabama Limited Liability Company Act; to allow the formation of domestic limited liability companies; to provide for definitions, formation procedures, professional services, and relationships of members and managers of companies to other members and third parties; to provide for contributions and distributions of a company; to provide for transfer of membership interests; to provide for registration of foreign limited liability companies; to provide for the merger and consolidation of domestic companies; to provide filing and certifying fees; and to provide a delayed effective date for the act.

Committee on Banking
and Insurance

By Senators Dixon and Langford (With Notice and Proof):

S. 550. To propose a constitutional amendment relating to the volunteer fire departments and emergency services in Montgomery County; to provide for the levy and collection of additional special ad valorem taxes for the fire protection and emergency services and to provide for the distribution of the fee, pursuant to Amendment 425 of the Constitution of 1901.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 550, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

The above Bill was read a first time at length as required by the Constitution.

By Senator Wilson:

S. 551. Proposing an amendment to Amendment No. 443 to the Constitution of Alabama of 1901, relating to the conveyance of Alabama

State Docks property located in Tuscaloosa County to the Northport Port Authority.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 552. To create a new circuit judgeship in the Sixth Judicial Circuit.

Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 215. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, March 11, 1993, they adjourn to meet again on Tuesday, March 16, 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Rules were suspended and the Resolution, HJR 215, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Barnes, Rogers (J), Newton (D), Spratt, Escott-Russell, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney,

Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 205. MOURNING THE DEATH OF DR. THOMAS J. KNOX.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Rules were suspended and the Resolution, HJR 205, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harper, Zoghby, Rockhold, Gaston, Kvalheim, and McMillan:

HJR 229. COMMENDING WALTER HOVELL OF MOBILE, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Rules were suspended and the Resolution, HJR 229, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Black (L):

HJR 222. COMMENDING ASA N. GREEN FOR DISTINGUISHED SERVICE TO LIVINGSTON UNIVERSITY.

Also:

By Rep. Butler:

HJR 224. COMMENDING THE BOB JONES HIGH SCHOOL PATRIETTES OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Layson:

HJR 225. COMMENDING THE CARROLLTON HIGH SCHOOL GIRLS BASKETBALL TEAM AS 1992 STATE 1A CHAMPIONS.

Also:

By Reps. Rockhold and Hooper:

HJR 228. MOURNING THE DEATH OF HARDY D. WALLACE OF LAUREL HILL, FLORIDA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Rules were suspended and the Resolutions, HJR's 222, 224, 225, and 228, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Rockhold and Harper:

HJR 203. COMMENDING R. D. "DOUG" FREEMAN ON THE OCCASION OF HIS RETIREMENT.

Also:

By Rep. Newton (C):

HJR 206. CONGRATULATING THE 1992-93 ALABAMA IN-

DEPENDENT SCHOOL ASSOCIATION BOYS CLASS 2A STATE BASKETBALL CHAMPIONS OF FORT DALE-SOUTH BUTLER ACADEMY, GREENVILLE, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Rules were suspended and the Resolutions, HJR's 203 and 206, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Cosby, Thomas, and Bryant:

HJR 211. COMMENDING BIG BEAR/IGA OF SELMA, ALABAMA, WINNER OF THE NATIONAL "BEEF SHOOT-OUT" COMPETITION.

Also:

By Rep. Cosby:

HJR 212. COMMENDING LARRY LEWIS OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Cosby:

HJR 213. COMMENDING CAROLYN HUTCHENSON FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

By Rep. Cosby:

HJR 214. COMMENDING RICHARD SCRUSHY, RECIPIENT OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM DISTINGUISHED ALUMNUS AWARD.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Rules were suspended and the Resolutions, HJR's 211, 212, 213, and 214, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

HJR 231. COMMENDING JOHN W. HUNT FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Windom, the Rules were suspended and the Resolution, HJR 231, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harper:

HJR 209. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1994.

WHEREAS, the Legislature hereby determines pursuant to Act 88-981 that an emergency exists in regard to funding from the Alabama Special Educational Trust Fund:

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the sum of \$16,000,000 shall be withdrawn from the Proration Prevention Account

and shall be transferred to the Alabama Special Educational Trust Fund on or after October 1, 1993, to be available for appropriation by the Legislature for the fiscal year ending September 30, 1994.

BE IT FURTHER RESOLVED, That this resolution shall become effective immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 209, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Williams and Holley:

HJR 230. ENCOURAGING THE UNITED STATES DEPARTMENT OF DEFENSE TO CONSOLIDATE ALL HELICOPTER TRAINING FOR FORT RUCKER ARMY BASE.

WHEREAS, the United States Department of Defense is faced with budget reductions and needs to consolidate training programs when feasible; and

WHEREAS, the housing, maintenance, expertise, and other resources of Fort Rucker Army Base in Dale County, Alabama, makes it an ideal facility for the consolidation of helicopter training programs for the United States Armed Forces; and

WHEREAS, Fort Rucker has for some time provided helicopter training for all branches of the Armed Forces except the United States Navy, as well as primary helicopter training for approximately 70 countries of the world; and

WHEREAS, a consolidation would generate millions of dollars of savings to the federal government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly encour-

age the United States Department of Defense to consolidate the helicopter training programs of all branches of the Armed Forces to Fort Rucker Army Base.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Clinton, Secretary of Defense Aspin, and the Chairman and Joint Chiefs of Staff.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 230, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harper:

HJR 208. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1993.

WHEREAS, the Legislature hereby determines pursuant to Act 88-981 that an emergency exists in regard to funding from the Alabama Special Educational Trust Fund:

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the sum of \$16,000,000 shall be withdrawn from the Proration Prevention Account and shall be transferred to the Alabama Special Educational Trust Fund on or after October 1, 1992, to be available for appropriation by the Legislature for the fiscal year ending September 30, 1993.

BE IT FURTHER RESOLVED, That this resolution shall become effective immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 208, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Powell (With Notice and Proof):

H. 602. Relating to Autauga County; providing further for the compensation of poll workers.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 602, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 602 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Powell (With Notice and Proof):

H. 603. Proposing an amendment to Amendment No. 493 to the Constitution of Alabama of 1901, pertaining only to Autauga County, to provide further for the compensation of the Judge of Probate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 603, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 603 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDowell, Rockhold, Zoghby, Gullatt, Kennedy, and Bugg:

H. 419. To make the willful violation of any provision of a temporary or permanent protection order or restraining order involving domestic relations or family violence issued pursuant to the Protection From Abuse Act, Section 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, and restraining orders or injunctions in which a history of family violence or abuse is cited issued in domestic relations, family violence or juvenile courts in domestic relations or family violence cases, a Class A misdemeanor; to impose additional mandatory minimum penalties; to permit the arresting officer certain arrest powers with probable cause; to provide for an affirmative defense for lack of knowledge and burden of proof; to provide certain immunities; and to provide this act shall be construed in pari materia with Chapter 5 of Title 13A, Code of Alabama 1975, and other pertinent laws, relating to fines, sentences, and unlawful civil and criminal acts.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 419 - to the Committee on Judiciary/Criminal Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 95. Proposing an amendment to the Constitution of Alabama of 1901 that would allow the Legislature to pass local legislation applicable to Calhoun County to change the method and procedure for effecting the sale of lands for the payment of delinquent taxes.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 95 - to the Committee on Constitution and Elections

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Laird:

H. 48. To further provide for the use of the proceeds of any special ad valorem tax for fire protection purposes levied pursuant to an amendment to the Constitution of Alabama of 1901 proposed at the 1993 Regular Session; to provide for use of the revolving fund to be administered by the State Treasurer paid fire departments or paid fire

districts for an advisory board to advise the State Treasurer; and to provide for the dissolution of fire departments and formation of new fire departments receiving proceeds of the special ad valorem tax.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 48 - to the Committee on Finance and Taxation

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Hogan, Escott-Russell, Kvalheim, and Box:

H. 205. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers.

By Reps. Kvalheim, Box, and Hogan:

H. 206. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Medical Examiners and Medical Licensure Commission with certain modifications; to amend Sections 34-24-70, 34-24-73, 34-24-75, 34-24-83, and 34-24-313, Code of Alabama 1975, so as to rewrite qualifications for applicants for medical licensure, provide for licensure by endorsement of certain physicians, authorize the board to hire paid consultants, and authorize board members to serve the board as paid consultants; and to repeal Sections 34-24-70.1, 34-24-72, 34-24-76, 34-24-77, and 34-24-78, Code of Alabama 1975.

By Reps. Box, Kvalheim, and Hogan:

H. 207. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board with certain modifications; to amend Section 34-37-15, Code of

Alabama 1975, so as to allow certain repairs by the owner and occupier of property.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hogan, Box, and Kvalheim (With Amendment):

H. 208. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners For Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-21 and 34-28A-40, Code of Alabama 1975, so as to provide further for the qualifications of applicants for licensure by the board, and to require that not more than one member from any United States Congressional District shall be appointed to serve on the board at the same time.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Kvalheim, Escott-Russell, Hogan, and Box:

H. 209. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Chiropractic Examiners with certain modifications; to amend Section 34-24-140, Code of Alabama 1975, so as to prohibit the consumer member of the board from being employed in chiropractic or having an immediate family member who is a chiropractor, and to authorize, rather than require, the executive secretary of the board to be a licensee of the board.

By Reps. Box, Kvalheim, and Hogan:

H. 210. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology with certain modifications; to amend Section 34-26-43.1, Code of Alabama 1975, so as to require examination fee sufficient to cover cost of examination of the applicant.

By Reps. Hogan, Box, and Kvalheim:

H. 211. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home

Administrators with certain modifications; to amend Sections 34-20-4, 34-20-9, 34-20-10, 34-20-11, 34-20-12, and 34-20-13, Code of Alabama 1975, so as to add a consumer member to the board, require that not more than one board member from any United States Congressional District be appointed to serve at the same time and stagger terms of board members; allow the board to set its fees by rule and regulation; and to authorize certain additional fees.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Kvalheim, Box, and Hogan (With Substitute):

H. 212. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-8, 34-9-16, 34-9-43, 34-9-63, and 34-9-64, Code of Alabama 1975, so as to increase certain fees related to dentistry and dental hygiene; clarify the process of issuing dental teaching permits; require the board to publish a list of licensees at certain times; and provide for the issuance of permits for the practice of parenteral sedation.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Box, Kvalheim, and Hogan:

H. 213. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Optometry with certain modifications; to amend Sections 34-22-4, 34-22-20, 34-22-40, 34-22-41, and 34-22-42, Code of Alabama 1975, so as to delete references to hard contact lenses, require applicants to complete educational requirements before taking the exam, increase the exam fee, add two members to the board, increase the daily reimbursement of board members, and authorize the executive director to be a licensee of the board.

By Reps. Hogan, Box, and Kvalheim:

H. 214. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Section 34-24-194, Code of Alabama 1975, so

as to authorize, rather than require, the revocation by the board of a license for certain violations of board licenses.

By Reps. Kvalheim, Box, and Hogan:

H. 215. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Veterinary Medical Examiners with certain modifications; to amend Section 34-29-69, Code of Alabama 1975, so as to authorize the board to regulate by rule and regulation the advertising or solicitation of veterinary services by its licensees.

By Reps. Hogan, Box, and Kvalheim:

H. 217. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry with certain modifications; to amend Sections 34-24-250 and 34-24-252, Code of Alabama 1975, so as to require one black member on the board and authorize the board to hire an executive secretary.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Box, Kvalheim, and Hogan (With Substitute)(With Amendment):

H. 219. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy with certain modifications; to amend Sections 20-2-90, 34-23-90, and 34-23-91, Code of Alabama 1975, so as to provide requirements for drug inspection of the board, add two members to the board, provide further for the nomination and election of board members, and provide further for reimbursement for relief pharmacists.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Little:

S. 474. To provide a remedy for an employee at will who is discharged from employment based solely upon the employee's sex.

By Senator Lindsey:

S. 492. To amend Section 26-14-3 of the Code of Alabama 1975, to provide that investigations of reports of suspected child abuse or neglect involving discipline or corporal punishment committed in public or private schools or kindergartens or suspected child abuse or neglect committed in state-operated child residential facilities be investigated by law enforcement agencies, and that all other reports of suspected child abuse and neglect be investigated by the Department of Human Resources; to amend Section 26-14-1 of the Code of Alabama 1975, to revise the definition of child sexual abuse; to amend Section 26-14-7 of the Code of Alabama 1975, to revise the definition of neglect and to specify the investigatory authority of the Department of Human Resources in cases involving alleged neglect due to inadequate medical treatment based upon legitimate religious practices; and to amend Section 26-14-7 to provide for private interviews of children, and to provide for a court order to obtain access to the home or child to complete the investigation.

By Senator Lindsey:

S. 506. To amend Section 36-26-26, Code of Alabama 1975, to provide a layoff procedure for certain state employees.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Ellis, deGraffenried, Amari, and Owens:

S. 197. To amend Sections 41-22-5, 41-22-6, 41-22-12, 41-22-20, 41-22-21, 41-22-22, and 41-22-23 of the Code of Alabama 1975, the Alabama Administrative Procedure Act; to provide further for the notice and comment period for rulemaking, time period for adoption during rulemaking, and the time period for review by the legislative committee; to provide in contested cases for limited discovery and the issuance of subpoenas in contested cases under certain circumstances; and to provide further for judicial review from contested cases.

By Senator Owens:

S. 345. To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, relating to municipal business licenses, to increase the issuance fee for the license and to increase the penalty for engaging in a business or vocation without a license.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton (With Substitute):

S. 442. Providing for the permitting and regulation of persons, firms, associations, and corporations engaged in the alarm systems business in this state under the regulatory authority of the state fire marshal; authorizing the state fire marshal to prescribe fees for certain permits and identification cards related to the business; prescribing penalties for enforcement and providing procedures for the administration of this act.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Amendment):

S. 445. To amend Section 40-23-5, Code of Alabama 1975, to exempt rescue units from state, county, and municipal sales and use taxes.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Dial and Bedsole:

S. 473. Relating to the regulation of lobbying, to provide definitions of certain terms and procedures for registering as a lobbyist, impose fees, exempt certain persons, provide for administrative penalties, prohibit the payment of fees contingent upon the passage or defeat of legislation, and to amend Section 36-25-1 and to repeal Sections 36-25-18, 36-25-19, 36-25-20, 36-25-21, and 36-25-22, Code of Alabama 1975.

By Senators Bedsole, Dial, Dixon, Owens, Windom, and Little:

S. 478. To amend Section 17-22A-18, Code of Alabama 1975, to prohibit a political committee from transferring any contribution to any other political committee beginning on a certain date.

By Senator Figures:

S. 524. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Docks.

By Senator Figures:

S. 525. Relating to certain employee classifications and benefits of state employees employed at the Alabama State Docks Department Mobile facilities; to make those employees members of the state merit system to authorize persons who are employed under collective bargaining agreements at the Alabama State Docks of Mobile to choose to be state employees, except the employees of the Terminal Railroad at the Alabama State Docks (referred to as TRASD) who are subject to the federal Railway Labor Act and the Railroad Retirement Act; to authorize the Directors of the State Personnel Department and the Chief Executive Officer of the Employees' Retirement System of Alabama to expedite this act by rules and regulations which would be exempt from the Alabama Administrative Procedure Act; and to expressly prohibit certain collective or negotiated bargaining by employees covered under the employees' retirement system.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Little and Corbett (With Amendments):

S. 489. Relating to insurance, to provide further for the qualifications of property and casualty insurance agents by requiring an applicant for license who is not a United States citizen to be a citizen of Canada or a permanent resident under United States immigration laws and a resident of this state, to delete certain residential requirements for agents prior to applying for license; to allow any resident of a populous community, lying partly in Alabama and partly in an adjoining state, to be a resident agent of this state; to require that agents be "trustworthy", and to change the line of insurance exempt from the written examination from "personal property insurance" to "physical damage coverage on household goods", and for these purposes to amend Section 27-7-5, Code of Alabama 1975.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had

acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Wilson (With Notice and Proof):

S. 25. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Pickensville in Pickens County.

By Senator Dial:

S. 317. Relating to Cleburne, Randolph, and Clay Counties, creating the Emerald Triangle Commission and prescribing its duties and powers.

By Senator Smith (J) (With Notice and Proof):

S. 413. Relating to Limestone County; providing further for the distribution of a special recording fee on documents filed in the probate office.

By Senator Barron (With Notice and Proof):

S. 441. Relating to the DeKalb County Commission and powers to levy and collect certain privilege license taxes, gasoline taxes, sales and use taxes, and other taxes, validating, ratifying, and confirming any actions heretofore taken pursuant to Act No. 91-610, H. 961 of the 1991 Regular Session (Acts 1991, p. 1178), and repealing prospectively that act which authorized the taxing powers listed.

By Senator Barron (With Notice and Proof):

S. 501. Providing that the DeKalb County Commission shall appropriate a certain sum of money each fiscal year to the DeKalb County Rural Water Authority.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Barron and deGraffenried:

S. 530. Requiring the Bureau of Geriatric Psychiatry of the Department of Mental Health and Mental Retardation, upon receiving sufficient funding, to develop and offer educational programs and services for persons caring for certain Alzheimer's disease patients,

requiring certain legislative funding, and authorizing the levying of certain fees.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron (With Substitute):

S. 531. To exempt oxygen and durable medical equipment dispensed by participating providers under the Medicare and Medicaid programs from state and local sales, use and rental and leasing taxes.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 67. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Fifteenth Legislative day only.

	Page
H. 285	98
Court costs in dist. and circuit court, term. of increase repealed, approp. for fiscal 93, Act 92-227 am'd.	
S. 503	139
Deceptive trade practices act, regulating sales of materially damaged motor vehicles, Sec. 8-19-5 am'd.	
S. 371	63
University of Montevallo, endowment fund, Sec. 16-54-18 amd.	
S. 255	41
Boll Weevil Eradication Foundation, supp. approp.	
S. 206	9
Municipal entities or corporations created pursuant to Title 11, Chap. 50, prohib. from acquiring or duplicating water works services, Sec. 11-50-1.1 am'd.	
S. 301	19
Municipalities, junkyards reg.	

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S. 239	10
Firefighters, employees organization, gov. body to respond in writing to proposals, Sec. 11-43-143 am'd.	
S. 322	33
Exceptional children, term not to incl. socially maladjusted children, Sec. 16-39-2 am'd.	
S. 497	130
S. 280	55
Child support orders, extension of income withholding on orders issued after Jan. 1, 1994, Sec. 30-3-61 am'd.	
S. 459	107
Unemployment comp., benefits extended, Sec. 25-4-75 am'd.	
S. 245	36
Local gov't. contracts for cert. computer equipment and printing services, exempted from competitive bids, Sec. 41-16-51 am'd.	
S. 356	85
Retirement systems, investment of funds, effective date of retirement allowance, Secs. 16-25-14, 16-25-20, 36-27-25 am'd.	
S. 16	78
National Guard, add'l. educational benefits	
S. 94	52
Parents failing to compel child to enroll or attend school or properly conduct himself, principal and supt. of ed. req. to report, penalties, local bds. of ed. to estab. progs. to educate parents re responsibilities, Sec. 16-28-12 am'd.	
S. 95	52
Commission on Higher Education, auth. to appt. committee to improve postsecondary ed. participation and high school retention, contract to create center to estab. communication network	
S. 96	53
Vocational education curriculum req. of cert. students, graduation exam to test 12th grade skill level, Sec. 16-3-18.3 am'd.	
S. 97	54
Boards of ed., req. to instruct cert. students re parental	

responsibilities, importance of an education, and how to study

S. 98 54
Boards of ed., may estab. volunteer tutorial progs., Sec. 16-3-18.2 am'd.

S. 252 10
Building Commission auth. to charge service fees and deposit into revolving fund, Sec. 41-9-141 am'd.

S. 383 43
Infected Health Care Worker Management Act, estab.

S. 426 125
School attendance, req. for persons under 18 to possess driver's license or learner's license, exceptions

S. 109 29
Prisoners sentenced for less than life terms, civil disabilities and operation of statute of limitations removed for cert. civil actions and other prop. rts., Sec. 6-2-8 am'd.

H. 246 89
Economic and Community Affairs Dept., approp.

S. 298 82

S. 373 46
Family violence protection order enforcement provided

S. 286 16
Administration of a decedent's estate, personal representatives, duties and powers provided, Secs. 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, 43-2-316 repealed

S. 219 30
Child abuse, crime of sexual torture estab.

S. 282 35
Penny Trust Fund, matching funds for special ed. trust and gen. fund, limits, procedure, Sec. 41-15A-5 repealed

S. 422 87
Bail bonds, laws re substantially alt.

S. 401 68
Unpaved roads, max. speed limit, 25 mph, Sec. 32-5A-171, 32-5A-173 am'd.

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S. 299	34
Motor vehicle tags, veterans and armed forces reservists, distinc. tags auth., fees, Sec. 32-6-150 am'd.	
S. 223	23
Prisoners in mun., co., or st. facilities, testing re sexually transmitted disease, victim of sex offense may obtain HIV test results, Sec. 22-11A-17 am'd.	
S. 382	71
Tenth Judicial Circuit dist. atty. may appt. deputy dist. atty., Act 90-202, Reg. Sess. 1990 am'd.	
S. 157	7
County engineer trainees, salary scale incr. if registered, with one yr. of trainee experience, Highway Dept. pays 50% of salary, Sec. 11-6-23 am'd.	
S. 254	31
Murder of one or more persons during one continuing criminal enterprise, deemed capital offense, Sec. 13A-5-40 am'd.	
S. 210	13
Motor Vehicle Safety Responsibility Act, proof of financial responsibility after accident, min. insured or security, Secs. 32-7-2, 32-7-8, 32-7-22, 32-7-27 am'd., Sec. 32-7-39 repealed	
S. 265	12
Liquefied Petroleum Gas Bd., vacancies, notification of work on gas systems, research and ed. committee, research and ed. fund, Secs. 9-17-100, 9-17-104, 9-17-109, 9-17-110 am'd.	
S. 4	4
Small Business Incubator Act, approp.	
S. 235	9
Veterinarians, advertisements and solicitation to public reg.	
S. 334	45
Animal research, agricultural, commercial or ed. facilities, crimes re, penalties	
S. 258	23
Radiation Advisory Bd., veterinarian incl., Sec. 22-14-5 am'd.	

S. 272	82
Sports Hall of Fame, officers and employees eligible for membership in Teachers' Retirement System, purchase of past service credit auth.	
S. 419	66
State funds, incl. housing assistance progs. in Wallace Plan for Linked Deposits, Secs. 5-21-2, 5-21-3, 5-21-4, 5-21-9 am'd.	
S. 133	66
Legislature, limitation on terms, consti. amend.	
S. 465	140
Coal severance tax, disbursement further provided, Sec. 40-13-6 am'd.	
S. 308	38
Elections, holding of, notice, designation of voting places, installation and maintenance of voting machines, Secs. 11-46-5, 11-46-22, 11-46-24, and 17-9-4 amd.	
S. 178	47
Prisoners, may have cert. voting rts. reinstated upon completion of sentence and if other conditions are met, firearm privileges excluded, Sec. 17-3-10 repealed	
S. 202	24
Rural hospitals, exempt from certificate of need review condition re offering of cert. new services, Sec. 22-21-263 am'd.	
S. 162	17
Abandoned mines, reclamation funds deadline extended to Nov. 5, 1990, Secs. 9-16-12, 9-16-124 am'd.	
S. 253	37
County Commissioners College, legis. intent, bd. membs., appt., funding, education	
S. 460	95
Innkeepers Rights Act, estab., penalties	
S. 124	126
Respiratory care, practice defined, regs., licenses and penalties	
S. 137	29
Constables, standards as law enforcement officer, incl. in	

Peace Officers' Standards and Training commission, Sec.
36-21-40 am'd.

S. 125

47

Divorce settlement awards, allowance for retirement pension
benefits further provided, Sec. 30-2-51 am'd.

On motion of Senator Hale, the Resolution was adopted by the
Senate.

BUDGET ISOLATION RESOLUTION

Senator Figures requested and received permission to suspend the
Rules in order to bring up the Bill, SB 417.

Senator Figures, B.I.R., SB 417, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Dial,
Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn,
Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, and
Smith (B) -25

Nays:

- 0

FURTHER CONSIDERATION OF SB 417

The Senate proceeded to further consideration of the Bill, SB 417.

And said Bill, SB 417, was read a third time at length and passed,
and ordered sent forthwith to the House.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett,
deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee,
Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell,
Owens, Parsons, Smith (B), Smith (J), and Waggoner -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., HB 285, adopted.

Yeas 23 Nays 1

Yeas:**Senators:**

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Smith (B), Smith (J), and Waggoner -23

Nay: Senator Corbett

- 1

SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 285. To repeal Section 8 and amend Section 9 of Act No. 227, H. 605, 1992 Regular Session, relating to an increase in the fees and costs in circuit and district courts; to delete certain provisions relating to the termination of the fee increases; to make an appropriation to the unified judicial system for the trial courts for the fiscal year ending September 30, 1993.

And said Bill, HB 285, was read a third time at length and passed.

Yeas 18 Nays 6
Abstaining 1

Yeas:**Senators:**

Barron, Bennett, Bolling, Campbell, Ellis, Escott-Russell, Figures, Hale, Hill, Horn, Langford, Lindsey, Little, Owens, Smith (B), Smith (J), Waggoner, and Windom -18

Nays:**Senators:**

Amari, Bedsole, Corbett, Dixon, Mitchell, and Parsons - 6

Abstaining: Senator Dial

- 1

BUDGET ISOLATION RESOLUTION

Senator Barron, B.I.R., SB 503, adopted.

Yeas 24 Nays 0

Yeas:**Senators:**

Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Hale, Hill, Horn, Langford, Lindsey,

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Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J),
Waggoner, and Windom -24

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 503. To amend Section 8-19-5, Code of Alabama 1975, relating to the Deceptive Trade Practices Act, to add provisions relating to the sales of materially damaged motor vehicles.

was taken up.

Senator Windom offered the following amendment to the Bill, SB 503, to-wit:

AMENDMENT TO SB 503

On page 5 on line 27, after the word "new" insert:
used, or rebuilt

On page 5, on line 31 after the word "new" insert:
used, or rebuilt

On page 6, on line 8 after the word "new" insert:
used, or rebuilt

On page 6, on line 31 after the word "new" insert:
used, or rebuilt

On page 7, on line 5 after the word "new" insert:
used, or rebuilt

On motion of Senator Barron, said amendment was laid on the table.

Yeas 18 Nays 6

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial,
Dixon, Ellis, Escott-Russell, Foshee, Hale, Lindsey, Little, Owens,
Smith (B), and Waggoner -18

Nays:

Senators:

Corbett, Floyd, Langford, Parsons, Smith (J), and Windom

- 6

And said Bill, SB 503, was read a third time at length and passed and ordered sent forthwith to the House.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (B), Smith (J), and Waggoner -27

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 285. To repeal Section 8 and amend Section 9 of Act No. 227, H. 605, 1992 Regular Session, relating to an increase in the fees and costs in circuit and district courts; to delete certain provisions relating to the termination of the fee increases; to make an appropriation to the unified judicial system for the trial courts for the fiscal year ending September 30, 1993.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 371, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Hale, Langford, Lipscomb, Little,

Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -22

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 371. To amend Section 16-54-18, Code of Alabama 1975, to provide for the transfer of certain proceeds and interest to the University of Montevallo Restricted Endowment Fund.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B.I.R., SB 255, adopted.

Yeas 19 Nays 5

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), and Waggoner -19

Nays:

Senators:

Corbett, Floyd, Horn, Parsons, and Windom - 5

BILLS ON THIRD READING RESUMED

THE BILL:

S. 255. To appropriate from the General Fund of the State Treasury the sum of \$1,600,000 for the fiscal year ending September 30, 1993, for the Department of Agriculture and Industries Agricultural

Development Services Program, which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication; to provide that the appropriation shall be supplemental.

was taken up.

Senator Parsons offered the following amendment to the Bill, SB 255, to-wit:

AMENDMENT TO SB 255

On page 1, line 25 after the word supplemental insert the following:

; and to provide for a conditional effective date

On page 2, line 11 delete Section 3 in its entirety and insert a new Section 3 as follows:

Section 3. This act shall become effective upon the effective date of any act of the 1993 Regular Session providing for a 6 percent or greater cost-of-living salary increase for state employees.

On motion of Senator Smith (J), said amendment was laid on the table.

Senator Little offered the following amendment to the Bill, SB 255, to-wit:

AMENDMENT TO SB 255

Amend Senate Bill No. 255 Page 1, line 30, and page 2, line 3 as follows:

Delete the words "six hundred thousand"

And on lines 9, 20, and 30 on page 1

And on line 4, page 2 delete the figure (\$1,600,000)

And in lieu thereof insert the figure (\$1,000,000)

Senator Corbett moved that the Rules be suspended and further consideration of the Bill, SB 255, and pending amendment be postponed temporarily, which motion was lost.

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Yeas:

Senators:

**Bedsole, Bennett, Corbett, Floyd, Horn, Langford, Parsons, Wilson,
and Windom** - 9

Nays:

Senators:

**Bailey, Barron, Bolling, deGraffenried, Denton, Dixon, Ellis,
Escott-Russell, Hale, Lipscomb, Little, Mitchell, Owens, Sanders,
Smith (J), and Waggoner** -16

And said amendment was then adopted.

Yeas 26 Nays 0

Yeas:

Senators:

**Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried,
Denton, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Langford,
Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B),
Smith (J), Waggoner, Wilson, and Windom** -26

Nays:

- 0

Senator Horn offered the following amendment to the Bill, SB 255, as amended, to-wit:

AMENDMENT TO SB 255, AS AMENDED

Amend Senate Bill 255, as amended, on page 1, line 8 and line 29 and on page 2, line 4 by striking the word "supplemental" and by inserting in lieu thereof the word "conditional"; further amend on page 1, line 19 by inserting the following after the word "To": "conditionally"; further amend on page 1, line 27, after the word "hereby", by inserting the word "conditionally"; further amend on page 1, line 22 after the word "which" by inserting the following: ", upon the release of said"; further amend on page 2, line 4 after the word "appropriation", by inserting the following: ", when released,".

On motion of Senator Smith (J), the Rules were suspended and further consideration of the Bill, SB 255, as amended, and pending amendment, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 206, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Wilson

-23

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 206. To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

was taken up.

Senator Owens offered the following amendment to the Bill, SB 206, to-wit:

AMENDMENT TO SB 206

Amend Senate Bill No. 206 Page 3 Line 20 through 22, by striking out all of the words beginning with the word "Section" and ending with the word "law"; and by adding the following language immediately after line 19:

"Section 2. For the purposes of this act, "duplicating any services" shall not mean the installation or construction of any part of a waterworks system which is used primarily for transporting water from one part of a waterworks system to another part of the same waterworks system.

Section 3. Provided, however, that any provision of this act to the

contrary notwithstanding any County Commission or County Governing Body, may by a two-thirds vote of its members, install, construct, or extend its waterlines and systems within the county boundaries if, by said vote, the County Commission or County Governing body deems it to be necessary to protect the financial stability of the existing water system.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Floyd, Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, and Wilson -23

Nays:

- 0

On motion of Senator Langford, the Rules were suspended and further consideration of the Bill, SB 206, as amended, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 203. COMMENDING R. D. "DOUG" FREEMAN ON THE OCCASION OF HIS RETIREMENT.

Also:

HJR 205. MOURNING THE DEATH OF DR. THOMAS J. KNOX.

Also:

HJR 206. CONGRATULATING THE 1992-93 ALABAMA INDEPENDENT SCHOOL ASSOCIATION BOYS CLASS 2A STATE BASKETBALL CHAMPIONS OF FORT DALE-SOUTH BUTLER ACADEMY, GREENVILLE, ALABAMA.

Also:

HJR 211. COMMENDING BIG BEAR/IGA OF SELMA, ALABAMA, WINNER OF THE NATIONAL "BEEF SHOOT-OUT" COMPETITION.

Also:

HJR 212. COMMENDING LARRY LEWIS OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 213. COMMENDING CAROLYN HUTCHENSON FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

HJR 214. COMMENDING RICHARD SCRUSHY, RECIPIENT OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM DISTINGUISHED ALUMNUS AWARD.

Also:

HJR 215. RELATIVE TO MEETING DAYS.

Also:

HJR 222. COMMENDING ASA N. GREEN FOR DISTINGUISHED SERVICE TO LIVINGSTON UNIVERSITY.

Also:

HJR 224. COMMENDING THE BOB JONES HIGH SCHOOL PATRIETTES OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 225. COMMENDING THE CARROLLTON HIGH SCHOOL GIRLS BASKETBALL TEAM AS 1992 STATE 1A CHAMPIONS.

Also:

HJR 228. MOURNING THE DEATH OF HARDY D. WALLACE OF LAUREL HILL, FLORIDA.

Also:

HJR 229. COMMENDING WALTER HOVELL OF MOBILE, ALABAMA.

Also:

HJR 231. COMMENDING JOHN W. HUNT FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., SB 301, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bailey, Bennett, Bolling, deGraffenried, Dixon, Ellis, Floyd, Ghee, Hale, Hill, Langford, Little, Mitchell, Owens, Sanders, Smith (J), and Waggoner -17

Nay: Senator Corbett

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 301. To provide that an incorporated municipality may regulate and license junkyards within its police jurisdiction to the same extent as if the junkyard were located in its corporate limits.

was taken up.

Senator Corbett offered the following amendment to the Bill, SB 301, to-wit:

AMENDMENT TO SB 301

Amend Senate Bill No. 301 Page 1 Line 29, as follows:

After the period (.) insert the following

"A junkyard already in existence prior to the enactment of this act shall be grandfathered and this act shall not apply to the junkyard so long as the ownership remains the same as the ownership prior to the passage of this act."

On motion of Senator Hale, the Rules were suspended and further consideration of the Bill, SB 301, and pending amendment, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 239, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Langford, Lindsey, Mitchell, Sanders, Smith (J), and Waggoner -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 239. To amend Section 11-43-143, Code of Alabama 1975, relating to employee organizations of firefighters to provide a procedure for a written response from the employing governing body to proposals from firefighters.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Langford, Lindsey, Mitchell, Sanders, Smith (J), and Waggoner -18

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bennett, B.I.R., SB 322, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Hill, Langford, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -17

Nay: Senator Corbett

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 322. To amend Section 16-39-2, Code of Alabama 1975, relating to the education of exceptional children, so as to delete the term socially maladjusted as a categorical condition that establishes eligibility for special education placement in public schools.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 17 Nays 1

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, deGraffenried, Ellis, Escott-Russell, Foshee, Hill, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), and Waggoner -17

Nay: Senator Corbett

- 1

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 497, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bennett, Bolling, deGraffenried, Dial, Ellis, Escott-Russell, Foshee, Ghee, Hill, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), and Waggoner -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 497. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the

Autauga County Board of Education for the fiscal year ending September 30, 1993.

was taken up.

Senator Owens offered the following substitute for the Bill, SB 497, to-wit:

SUBSTITUTE FOR SB 497

**A BILL
TO BE ENTITLED
AN ACT**

To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Autauga County Board of Education, the Covington County Board of Education, and the Talledega County Board of Education for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is appropriated from the Alabama Special Educational Trust Fund in the State Treasury the sum of one million three hundred thousand dollars (\$1,300,000) to the Autauga County Board of Education for the fiscal year ending September 30, 1993. There is appropriated from the Alabama Special Educational Trust Fund in the State Treasury the sum of three hundred ninety-five thousand dollars (\$395,000) to the Covington County Board of Education for the fiscal year ending September 30, 1993. There is also appropriated from the Alabama Special Educational Trust Fund in the State Treasury the sum of one million one hundred and fifty thousand dollars (\$1,150,000) to the Talladega County Board of Education for the fiscal year ending September 30, 1993. The appropriations made in this section are in addition to any and all other funds heretofore or hereafter appropriated to the Autauga County Board of Education and the Covington County Board of Education and shall be used to rebuild any schools that have been destroyed or damaged by fire within the last 90 days prior to the effective date of this act.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bennett, Bolling, deGraffenried, Dial, Ellis, Escott-Russell, Foshee, Ghee, Hill, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), and Waggoner

-18

Nays:

- 0

REGULAR SESSION
15th Day

827

And said Bill, SB 497, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bennett, Bolling, deGraffenried, Dial, Ellis, Escott-Russell, Foshee, Ghee, Hill, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), and Waggoner -18

Nays:

- 0

RECESS

At 1:25 P.M., on motion of Senator Foshee, the Senate took a recess until the completion of the Joint Session.

JOINT SESSION

At 1:30 P.M., in accordance with SJR 59, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of A. Michael Espy, the United States Secretary of Agriculture.

The Session was called to order by Lieutenant Governor Folsom, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Secretary A. Michael Espy was escorted to the Chair and delivered his message to the Legislature of Alabama.

At 2:15 P.M., the recess period having expired, the Senate was called to order by President Pro Tempore deGraffenried. A quorum of the Senate was present.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 93-86, the report of the Legislative Committee on Medicaid was filed with the Secretary.

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., SB 280, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Hale, Langford, Little, Mitchell, Owens, Sanders, Smith (B), Waggoner, and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 280. To amend Section 30-3-61, Code of Alabama 1975, relating to income withholding orders for child support, to extend immediate income withholding to all support orders issued or modified on or after January 1, 1994, except under specified criteria.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Hill, Langford, Little, Mitchell, Owens, Sanders, Smith (B), Waggoner, and Windom -22

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bolling, B.I.R., SB 459, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Langford, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (B), and Waggoner -21

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 459. Relating to Extended Unemployment Compensation; to amend Section 25-4-75, Code of Alabama 1975, to discontinue application of certain special restrictions on entitlement and to substitute therefor provisions of this chapter applicable to claims for regular compensation.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Parsons, Sanders, Smith (B), Waggoner, and Windom -24

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 497. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Autauga County Board of Education, the Covington County Board of Education, and the Talledega County Board of Education for the fiscal year ending September 30, 1993.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Langford, B.I.R., SB 245, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, and Waggoner -22

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 245. To amend Section 41-16-51, Code of Alabama 1975, to exempt purchases of certain computer and word processing hardware and custom software owned by any entity which would otherwise be subject to certain competitive bid requirements and to exempt professional services for the codification and publication of laws and ordinances from certain competitive bid requirements.

was taken up.

On motion of Senator Dixon, the Rules were suspended and further consideration of the Bill, SB 245, was postponed subject to the call of the Chair.

FURTHER CONSIDERATION OF SB 255

The Senate proceeded to further consideration of the Bill, SB 255, as amended. The question was on the Horn amendment.

On motion of Senator Smith (J), said amendment was laid on the table.

And said Bill, SB 255, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

FURTHER CONSIDERATION OF SB 245

The Senate proceeded to further consideration of the Bill, SB 245.

And said Bill, SB 245, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 2

Yeas:

Senators:

Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Hale, Hill, Langford, Lindsey, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -21

Nays:

Senators:

Corbett and Little

- 2

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., SB 356, adopted.

Yeas 22 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Parsons, Sanders, Waggoner, Wilson, and Windom -22

Nay: Senator Corbett

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 356. To amend Sections 36-27-25 and 16-25-20, Code of Alabama 1975, to provide for the investment of the funds of the Teachers' and Employees' Retirement Systems of Alabama, in accordance with the same terms and limitations set forth in the Federal Employee Income and Security Act of 1974; and to amend Section 16-25-14, Code of Alabama 1975, to provide that optional retirement allowances selected by members of the Teachers' Retirement System shall become effective on the date of retirement of the member.

was taken up.

Senator Dixon offered the following substitute for the Bill, SB 356, to-wit:

SUBSTITUTE FOR SB 356

**A BILL
TO BE ENTITLED
AN ACT**

To amend §§36-27-25 and 16-25-20, Code of Alabama 1975, to provide for the investment of the funds of the Teachers' and Employees' Retirement Systems of Alabama, in accordance with the same terms and limitations set forth in the Employee Income and Security Act of 1974; to further amend §16-25-14, Code of Alabama 1975, to provide that optional retirement allowances selected by members of the Teachers' Retirement System shall become effective on the member's date of retirement.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. §36-27-25, Code of Alabama 1975, is hereby amended to read as follows:

"§36-27-25. Same--Management.

"(a) The board of control shall be the trustees of the several

funds of the employees' retirement system created by this article as provided in section 36-27-24 and shall have full power to invest and reinvest such funds, through its secretary-treasurer in such classes of bonds, mortgages, common and preferred stocks, shares of investment companies or mutual funds or other investments as the board of control may from time to time approve, ~~subject to all the terms, conditions, limitations and restrictions imposed by the laws of Alabama upon domestic life insurance companies in the making of their investment, with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.~~ Subject to like terms, conditions, limitations and restrictions, the board of control, through its secretary-treasurer, shall have full power to hold, purchase, sell, assign, transfer and dispose of any such investments in which such funds created in section 36-27-24 shall have been invested as well as the proceeds of said investments and any moneys belonging to such funds. ~~No purchase of stocks or other so called equity securities shall be made for such funds which shall cause the total of such stocks or equity securities held in such funds at any one time to exceed 20 percent of the total book value of all investments held in such funds.~~

"(b) The secretary-treasurer shall have the authority and it shall be his duty to carry out the investment policies fixed by the board of control and, pursuant thereto, he shall examine all offers of investments made to such funds, shall initiate inquiries as to available investments therefor, shall review periodically the investment quality and desirability of retention of investments held and shall from time to time make such purchases and sales of investments as he shall deem to be the best interests of such funds and as the investment committee provided for in subsection (c) of this section and as the consultant to the secretary-treasurer, if any, appointed by the board of control under subsection (d) of this section, to the extent of the purpose for which it is appointed, shall approve.

"(c) The board of control shall appoint an investment committee which shall consist of three members of the board, one of whom shall be the director of finance. The investment committee shall consider all investment recommendations made by the secretary-treasurer and shall either approve or disapprove the same. The investment committee may act through the affirmative vote of any two of its members. Approvals may be secured informally in advance but shall in any event be confirmed by written authorization to be attached to the invoice for the transaction.

"(d) The board of control may appoint and employ as consultant to the secretary-treasurer in the purchase, sale and review of investments of said funds, to such extent as the board may designate, a bank having its principal office in the state of Alabama, having capital, surplus and

undivided profits of not less than \$3,000,000.00, and having an organized investment department. The bank so appointed shall not sell securities to the retirement system other than U.S. government securities, for which no commission shall be charged.

"(e) The secretary-treasurer shall report to the board of control all purchases and sales of investments made by him pursuant to this section at least once semiannually.

"(f) The board of control shall allow annually regular interest on the mean amount for the preceding year in each of the funds, with the exception of the expense fund. The amounts so allowed shall be due and payable to said funds and shall be credited annually thereto by the board of control from interest and other earnings on the moneys of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid from the pension accumulation fund, and any excess of earnings over such amount required shall be paid to the pension accumulation fund. Regular interest shall mean such percentage rate or rates to be compounded annually as shall be set from time to time by the board of control, such rate or rates to be limited to a minimum of three percent and a maximum of four and three-fourths percent.

"(g) Funds accruing to the annuity savings fund, the annuity reserve fund, the pension accumulation fund and the pension reserve fund shall be certified by the secretary-treasurer for deposit in the state treasury to the credit of the employees' retirement system. All moneys provided in accordance with the provisions of this chapter for administrative expenses shall be certified for deposit in the state treasury to the credit of the employees' retirement system expense fund. All payments from said funds shall be made by the state treasurer on warrants drawn by the state comptroller upon vouchers signed by two persons designated by the board of control. A duly attested copy of the resolution of the board of control designating such persons and bearing on its face specimen signatures of such persons shall be filed with the state comptroller as his authority for drawing warrants upon such voucher.

"(h) Except as otherwise provided in this article, no member of the board of control and no employee of the board shall have any direct interest in the gains or profits of any investment made by the board nor as such receive any pay or emolument for his services. No member or employee of the board of control shall, directly or indirectly, for himself or as an agent in any manner use the same, except to make such current and necessary payments as are authorized by the board, nor shall any member or employee of the board of control become an endorser or surety or in any manner an obligor for moneys loaned to or borrowed from the board."

Section 2. §16-25-20, Code of Alabama 1975, is hereby amended to read as follows:

"§16-25-20. Management of funds.

"(a)(1) The board of control shall be the trustees of the several funds of the teachers' retirement system created by this chapter as provided in section 16-25-21, and shall have full power to invest and reinvest such funds, through its secretary-treasurer, in such classes of bonds, mortgages, common and preferred stocks, shares of investment companies or mutual funds or other investments as the board of control may from time to time approve, ~~subject to all the terms, conditions, limitations and restrictions imposed by the laws of Alabama upon domestic life insurance companies in the making of their investments;~~ with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; and, subject to like terms, conditions, limitations and restrictions, the board of control, through its secretary-treasurer, shall have full power to hold, purchase, sell, assign, transfer and dispose of any such investments in which such funds created herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to such funds. ~~No purchase of stocks or other so-called equity securities shall be made for such funds which shall cause the total of such stocks or equity securities held in such funds at any one time to exceed 20 percent of the total book value of all investments held in such funds.~~

"(2) The secretary-treasurer shall have the authority and it shall be his duty to carry out the investment policies fixed by the board of control, and pursuant thereto he shall examine all offers of investments made to such funds, shall initiate inquiries as to available investments therefor, shall review periodically the investment quality and desirability of retention of investments held and shall from time to time make such purchases and sales of investments as he shall deem to the best interests of such funds and as the investment committee hereinafter provided for, and as the consultant to the secretary-treasurer, if any, appointed by the board of control hereunder, to the extent of the purpose for which it is appointed, shall approve.

"(3) The board of control shall elect an investment committee which shall consist of three members of the board, one of whom shall be the director of finance. The investment committee shall consider all investment recommendations made by the secretary-treasurer and shall either approve or disapprove the same. The investment committee may act through the affirmative vote of any two of its members, except however that in the event said investment in any one enterprise exceeds the sum of \$500,000.00, an affirmative vote of all three members of the

investment committee must be had. Approvals may be secured informally in advance but shall in any event be confirmed by written authorization to be attached to the invoice of the transaction.

"(4) The board of control may appoint and employ as consultant to the secretary-treasurer, in the purchase, sale and review of investments of said funds, to such extent as the board may designate, a bank having its principal office in the state of Alabama, having capital, surplus and undivided profits of not less than \$3,000,000.00, and having an organized investment department. The bank so appointed shall not sell securities to the retirement system, other than United States government securities for which no commission shall be charged.

"(5) The secretary-treasurer shall report to the board of control all purchases and sales of investments made by him pursuant hereto at least once semiannually.

"(b) The board of control shall allow annually regular interest on the mean amount for the preceding year in each of the funds, with the exception of the expense fund. The amounts so allowed shall be due and payable to said funds and shall be credited annually thereto by the board of control from interest and other earnings on the moneys of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid from the pension accumulation fund, and any excess of earnings over such amount required shall be paid to the pension accumulation fund. Regular interest shall mean such percent rate or rates to be compounded annually as shall be set from time to time by the board of control, such rate or rates to be limited to a minimum of three percent and a maximum of four and three-fourths percent.

"(c) Moneys accruing to the annuity savings fund, the annuity reserve fund, the pension accumulation fund and the pension reserve funds shall be certified by the secretary-treasurer for deposit in the state treasury to the credit of the teachers' retirement system. All moneys provided in accordance with the provisions of this chapter for administrative expense shall be certified for deposit in the state treasury to the credit of the teachers' retirement system expense fund. All payments from said funds shall be made by the state treasurer on warrants drawn by the state comptroller upon vouchers signed by two persons designated by the board of control. A duly attested copy of a resolution of the board of control designating such persons and bearing on its face specimen signatures of such persons shall be filed with the state comptroller as his authority for drawing warrants upon such vouchers. No voucher shall be drawn unless it has previously been authorized by resolution of the board of control or included in the budget adopted by the board.

"(d) Except as otherwise herein provided, no member of the

board of control and no employee of the board shall have any direct interest in the gains or profits of any investment made by the board, nor as such receive any pay or emolument for his services. No member or employee of the board of control shall, directly or indirectly, for himself or as an agent, in any manner use the same, except to make such current and necessary payments as are authorized by the board; nor shall any member or employee of the board of control become an endorser or surety or in any manner an obligor for moneys loaned or borrowed from the board."

Section 3. §16-25-14, Code of Alabama 1975, is hereby amended to read as follows:

"§16-25-14. Retirement of members; benefits generally.

"(a)(1) Any member who withdraws from service upon or after attainment of age 60 may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963, shall have completed 10 or more years of creditable service.

"(2) Any member who has attained age 60 and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that the said member shall have completed at the time for his withdrawal from service the requirements established by the board of control for eligibility for deferred benefits pursuant to section 16-25-3.

"(3) Any person who is presently covered or is eligible to be covered under the employees' retirement system of Alabama or the teachers' retirement system of Alabama and who, prior to such coverage or eligibility for coverage, served as head of any Alabama county's public library service department shall have credited to him or her one year of creditable service for each year served as such head, not to exceed 12 years; provided, that such person shall pay into the retirement system the employee's part of the cost or contribution based on the salary paid to such person during the time of his or her service in the above capacity, with such cost or contribution to be calculated at the percent or rate in effect on October 1, 1973.

"(4) Any member of the teachers' retirement system of Alabama, who withdraws from service after the completion of at least 25 years of creditable service, may retire upon written application to the board of control of the teachers' retirement system setting forth at what time, not

less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided, that any such member who became a member on or after October 1, 1963 shall have completed 10 or more years of creditable service.

"(b) Upon retirement from service, a member shall receive a service retirement allowance which shall consist of:

"(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement;

"(2) A pension which shall be equal to the annuity allowable at the age of retirement, but not to exceed an annuity allowable at age 65 computed on the basis of contributions made prior to the attainment of age 65; and

"(3) If he has a prior service certificate in full force and effect, an additional pension which shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age 65 by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of the members that was received during such prior service, the board of control may use for the purposes of this chapter the compensation rates which, if they had progressed with the rates of salary increase shown in the tables as prescribed in subsection (o) of section 16-25-19, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received.

"(c) The annual service retirement pension payable to a member retiring on or after October 1, 1975 shall not be less than an amount which when added to his annuity is equal to the greater of the following two amounts:

"(1) Two and one-eightieth percent of the member's average final compensation multiplied by the number of years of his creditable service; or

"(2) If he became a member before October 1, 1971, \$72.00 multiplied by the number of years of his creditable service not in excess of 25 years. Notwithstanding, a member who retired prior to October 1, 1971, under service retirement shall receive \$120.00 multiplied by the number of years of his creditable service not in excess of 25 years.

"(d) Upon the application of a member in service or of his employer, any member who has had 10 or more years of creditable

service may be retired by the board of control on a disability retirement allowance not less than 30 nor more than 90 days next following the date of filing such an application; provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

"(e) Upon retirement for disability, a member shall receive a service retirement allowance if he has attained age 60 or if any law or part of any law pertaining to retirement under the teachers' retirement system of Alabama provides for service retirement after the completion of 25 years of creditable service and the member has completed 25 years of creditable service; otherwise, he shall receive a disability retirement allowance which shall consist of:

"(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

"(2) A pension which shall be equal to the pension that would have been payable under subdivisions (2) and (3) of subsection (b) of this section upon service retirement at age 60 had the member continued in service to said age without change in compensation, reduced by one fourth of one percent for each month by which his date of retirement precedes his sixtieth birthday to a maximum reduction of 25 percent.

"The annual disability retirement pension shall not be less than an amount which when added to his annuity is equal to the greater of the following amounts:

"a. Two and one-eightieth percent of the member's average final compensation multiplied by the number of years of creditable service reduced by one fourth of one percent for each month by which his date of retirement precedes his sixtieth birthday to a maximum reduction of 25 percent;

"b. If he became a member before October 1, 1971, \$54.00 multiplied by the number of years of his creditable service not in excess of 25 years; or

"c. If any law or part of any law pertaining to retirement under the teachers' retirement system of Alabama provides for service retirement after the completion of 25 years of creditable service, two and one-eightieth percent of the member's average final compensation multiplied by the number of years of creditable service reduced by one fourth of one percent for each month less than 25 years of creditable service up to a maximum of 25 percent.

"Notwithstanding, a member who retired prior to October 1,

1971, for disability shall receive \$90.00 multiplied by the number of years of his creditable service not in excess of 25 years.

"(f)(1) Once each year during the first five years following the retirement of a member on a disability retirement allowance and once in every three-year period thereafter, the board of control may and upon his application shall require any disability beneficiary who has not yet attained age 60 to undergo a medical examination, such examination to be made at the place of residence of such beneficiary or other place mutually agreed upon by a physician of or designated by the medical board. Should any disability beneficiary who has not yet attained age 60 refuse to submit to such medical examination, his pension may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his pension may be revoked by the board of control.

"(2) Should the medical board report and certify to the board of control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation and should the board of control concur in such report, then the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted nor an amount which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his average final compensation.

"(g)(1) Should a member cease to be a teacher, except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than 16 years of membership service, six tenths of such interest accumulations if he shall have not less than 16 but less than 21 years of membership service, seven tenths of such interest accumulations if he shall have not less than 21 but less than 26 years of membership service and eight tenths of such interest accumulations if he shall have not less than 26 years of membership service.

"(2) In case of the death of a member eligible for service retirement pursuant to subsection (a) of this section, an allowance shall be paid to the surviving spouse, or to such other person who the member shall have specifically designated for the receipt of such benefit rather than the spouse, in an amount that would have been payable if the

member had retired immediately prior to his death and had elected option 3, as set forth in subsection (h) of this section or, alternatively, if the surviving spouse or other designee desires, he may choose to receive, in lieu of the allowance provided under option 3, the accumulated contributions of the member plus an amount equal to the accumulated contributions of the member not to exceed \$5,000.00 or the accumulated contributions of the member plus the benefit provided by section 36-27B-3 if a benefit is payable under such section.

"(3) In case of the death of a member not eligible for service retirement after completion of 25 years of creditable service, an allowance shall be paid to the surviving spouse, or to such other person who the member shall have specifically designated for the receipt of such benefit rather than the spouse, in an amount that would have been payable if the member had retired for disability immediately prior to his death and had elected option 3, as set forth in subsection (h) of this section or, alternatively, if the surviving spouse or other designee desires, he may choose to receive, in lieu of the allowance provided under option 3, the accumulated contributions of the member plus an amount equal to the accumulated contributions of the member not to exceed \$5,000.00 or the accumulated contributions of the member plus the benefit provided by section 36-27B-3 if a benefit is payable under such section.

"(4) Upon the death of a member on account of whom no survivor allowance is payable under subdivision (2) or (3) of this subsection, the accumulated contributions of the member plus an amount equal to the accumulated contributions not to exceed \$5,000.00 or the accumulated contributions of the member plus the benefit provided by section 36-27B-3 if a benefit is payable under such section shall be paid to his estate or to such person as he shall have nominated by written designation duly executed and filed with the board of control.

"(h) ~~With the provision that no the election of an option shall be effective until the end of the month following on the effective date of retirement and that should a beneficiary die before his first benefit payment is due at the end of the month following the effective date of retirement he shall be considered as an active member at the time of death,~~ any member may elect prior to retirement to receive, in lieu of his retirement allowance payable throughout life, the actuarial equivalent at that time of his retirement allowance in a reduced retirement allowance payable throughout life with the provision that:

"(1) Option 1. -- If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the board of control;

"(2) Option 2. -- Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement;

"(3) Option 3. -- Upon his death, one half of his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement; or

"(4) Option 4. -- Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate; provided, that such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the board of control.

"(i)(1) Should any beneficiary be restored to active service from service retirement or from disability retirement on or after attainment of age 50, his retirement allowance shall be suspended until he again withdraws from service and, he shall not again become a member, nor shall he make contributions; except, that should such beneficiary who has been restored to active service continue in service for a period of two or more years from the date of his reentry into active service, he may request the board of control to allow him to again become a member of the retirement system. The board of control may grant the request for restoration to membership; provided, that such beneficiary whose retirement allowance has been suspended shall repay to the system all moneys received by him as benefits during any period subsequent to the date of his reentry into active service; provided further, that he shall make a contribution equal to the amount he would have contributed had he been a member during the period of his restoration to active service on a suspended allowance basis, together with the interest which would have been credited to the contributions on account of such period of restoration up to the date such contribution is made.

"(2) Should any beneficiary on disability retirement be restored to active service before reaching age 50, he shall again become a member of the retirement system and shall make contributions.

"(j)(1) All retirement allowance payments due on or after October 1, 1975 to members who retired prior to October 1, 1975 shall be redetermined as if the provisions of subsections (b) and (c) of this section which became effective on said date were in effect at the time the member retired; provided, that the annual retirement allowance of any member who retired on or before January 1, 1956 shall be not less than \$132.00 multiplied by the number of years of his creditable service not

in excess of 30 years in the case of service retirement or \$99.00 multiplied by the number of years of creditable service not in excess of 30 years in the case of disability retirements. Any increase provided in the retirement allowance payment under this subsection for a member who retired under the provisions of any optional benefit elected pursuant to subsection (h) of this section shall accrue only to the retired member, and no person designated to receive any payments after the death of a retired member under the provisions of any such optional benefit shall receive any increase in such payments under this subsection.

"(2) Any person who served at least 30 years as a teacher in the public schools of Alabama and was never a member of the system and who, prior to October 1, 1963, was in receipt of a benefit for old age assistance pursuant to subsections (1) and (2) of section 1 of Act 116, approved August 24, 1959, shall be entitled to receive an annual retirement allowance of \$3,960.00 from the system, effective as of October 1, 1973.

"(3) Prior to October 31, 1975 any beneficiary may elect to leave on deposit with the system all or a specified part of any increase in his monthly retirement allowance payments arising in accordance with subdivision (1) or (2) of this subsection. The portion of each monthly payment left in the system in accordance with such election shall be credited, together with regular interest thereon, to the individual account of such beneficiary. Upon the death of such beneficiary, the total amount standing to his credit, including regular interest to the date of death, shall be paid in a lump sum to his legal representative or to such person as he shall have nominated by written designation duly acknowledged and filed with the board of control."

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bennett, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Hale, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -21

Nays:

- 0

MOTION TO ADJOURN LOST

At 3:10 P.M., Senator Corbett moved that the Senate adjourn until Tuesday, March 23, 1993, at 11 o'clock A.M., which motion was lost.

Yeas 11 Nays 14

Yeas:

Senators:

Corbett, Denton, Escott-Russell, Little, Mitchell, Owens, Parsons,
Sanders, Smith (B), Wilson, and Windom -11

Nays:

Senators:

Bailey, Barron, Bedsole, Bennett, deGraffenried, Dial, Dixon, Ellis,
Hale, Hill, Langford, Lindsey, Smith (J), and Waggoner -14

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 255. To appropriate from the General Fund of the State Treasury the sum of \$1,000,000 for the fiscal year ending September 30, 1993, for the Department of Agriculture and Industries Agricultural Development Services Program, which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication; to provide that the appropriation shall be supplemental.

DON HALE,
Chairperson.

FURTHER CONSIDERATION OF SB 356

The Senate proceeded to further consideration of the Bill, SB 356, as amended by the substitute.

And said Bill, SB 356, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 1

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, deGraffenried, Dixon, Ellis,
Escott-Russell, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey,
Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, and Windom -22

Nay: Senator Corbett

- 1

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., SB 16, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom -23

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 16. Providing certain educational assistance benefits for certain active members of the Alabama National Guard.

was taken up.

MOTION TO RECOMMIT

Senator Parsons moved that said Bill, SB 16, be recommitted to the Standing Committee on Finance and Taxation.

On motion of Senator Dial, said motion to recommit was laid on the table.

FURTHER CONSIDERATION OF SB 16

The Senate proceeded to further consideration of the Bill, SB 16.

And said Bill, SB 16, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Corbett, deGraffenried, Dial, Ellis, Figures, Floyd, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), Waggoner, and Windom -21

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 94. To amend Section 16-28-12 of the Code of Alabama 1975, relating to the responsibility of a parent, guardian, or person in

charge of a child to ensure that the child enrolls and attends school and conducts himself or herself properly as a pupil; to require principals and superintendents to report suspected violations to the district attorney, to provide criminal penalties for failure to report, and to require district attorneys to vigorously enforce the law; to require local boards of education to establish programs to inform parents of school children of their education-related responsibilities to their children.

was taken up.

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, SB 94, was postponed subject to the call of the Chair.

THE BILL:

S. 95. Requiring the Alabama Commission on Higher Education to establish a statewide steering committee to improve participation in two-year and four-year postsecondary education and prescribing the duties of the committee; requiring the commission to enter into a contract to establish a center to provide communications regarding postsecondary education; and permitting the commission to seek supplemental funding.

was taken up.

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, SB 95, was postponed subject to the call of the Chair.

THE BILL:

S. 96. To amend Section 9 of Act No. 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.3, Code of Alabama 1975, to require certain 10th grade students to enter a vocational or technical curriculum, unless the parent or guardian objects; and to provide for the competency measurement level of the Alabama High School Graduation Exam.

was taken up.

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, SB 96, was postponed subject to the call of the Chair.

THE BILL:

S. 97. To require local boards of education to provide to

certain students instruction in parental responsibility, the importance of an education, and how to study.

was taken up.

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, SB 97, was postponed subject to the call of the Chair.

THE BILL:

S. 98. To amend Section 8 of Act 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.2, Code of Alabama 1975, to require local boards of education to establish voluntary tutorial programs.

was taken up.

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, SB 98, was postponed subject to the call of the Chair.

THE BILL:

S. 426. To provide for school attendance standards and the operation of motor vehicles by certain persons; and to provide a prospective effective date.

was taken up.

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, SB 426, was postponed subject to the call of the Chair.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolution delivered to the Governor with the date and hour of delivery, to-wit:

SJR 59

Delivered to the Governor, March 18, 1993, at 10:25 A.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 3:50 P.M., on motion of Senator Horn, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, March 23, 1993, at 11 o'clock A.M.

Yeas 12 Nays 9

Yeas:

Senators:

Amari, Bailey, Corbett, Escott-Russell, Figures, Hale, Horn, Langford, Little, Mitchell, Sanders, and Windom

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Nays:

Senators:

Bedsole, Bennett, Floyd, Ghee, Hill, Lindsey, Owens, Waggoner, and Wilson

- 9

SIXTEENTH LEGISLATIVE DAY

TUESDAY, MARCH 23, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Albert Lipscomb, Thirty-Second Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Stephanie Balkcom, Jeff Davis High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Figures and Mitchem for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Ghee (With Notice and Proof):

S. 553. Relating to Calhoun County, amending Act 92-465 of the 1992 Regular Session regarding the imposition of a sales tax on liquors sold by licensees for on-premises consumption, altering the date licensees subject to the tax must report purchases to the Judge of Probate.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 553, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Escott-Russell (With Notice and Proof):

S. 554. Relating to Jefferson County; to further amend Section 18 of Act No. 248, H. 580, 1945 Regular Session, as amended, relating to creating and establishing a countywide civil service system, to provide for additional names to be certified for vacancies in the classified service.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 554, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Lindsey and Foshee:

S. 555. To amend Section 32-9-20, Code of Alabama 1975, relating to size and weight restrictions of trucks operating on the state highways, to increase the length restriction if certain requirements are met.

Committee on Commerce,
Transportation, and Utilities

By Senator Corbett:

S. 556. To provide further for information to be contained on documents conveying an interest in real property and to provide for an effective date.

Committee on Economic Affairs

By Senator Bedsole (With Notice and Proof):

S. 557. To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory to the City, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

Committee on Local
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 557, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedsole (With Notice and Proof):

S. 558. Relating to Mobile County; to amend Act No. 83-731, S. 377, 1983 Regular Session, which created the Mobile County Bingo Act, to provide further for the operation of bingo games in the county.

Committee on Local
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 558, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hale:

S. 559. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

Committee on Local
Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

By Senator Hale (With Notice and Proof):

S. 560. Providing for a board of education for the City of Cullman, to be elected by the qualified electors of the city from the city at-large; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing certain immunity for the board members; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing the election of the school board for the City of Cullman in Cullman County.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 560, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kennedy, Clark (W), Newton (D), Bryant, Black (L), Clay, Melton, Knight (J), Holmes, Thomas, Gullatt, Rogers (F), Millican, Morrow, Hall, Anderson, Barnes, Escott-Russell, Cagle, Zoghby, and Hogan:

H. 684. To provide for the reapportionment of the House of Representatives of the Alabama legislature based upon the 1990 census.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 684 - to the Committee on Rules

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State University Board of Trustees.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 18th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Ed Richardson from Auburn, Alabama, to the Alabama State University Board of Trustees replacing Ross Dunn. He will serve as a representative of the 3rd Congressional District and his term will expire on January 31, 2002.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 17th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State University Board of Trustees.

Respectfully submitted,
G. DENNIS NABORS,
Chief of Staff.

Done this 18th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. James C. Cox from Bay Minette, Alabama, to the Alabama State University Board of Trustees replacing Lillian Ann Hope. He will serve as a representative of the 1st Congressional District and his term will expire on January 31, 2005.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 17th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State University Board of Trustees.

Respectfully submitted,
G. DENNIS NABORS,
Chief of Staff.

Done this 18th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mrs. Toreatha Johnson from Butler, Alabama, to the Alabama State University Board of Trustees replacing Andrew Hayden. She will serve as a representative of the 7th Congressional District and her term will expire on January 31, 2005.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 17th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the promotion to Brigadier General.

Respectfully submitted,
G. DENNIS NABORS,
Chief of Staff.

Done this 18th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have promoted, subject to your confirmation, Joel W. Norman from Orange Beach, Alabama, to the grade of Brigadier General.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 18th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a promotion to the grade of Brigadier General, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the promotion to Major General.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 18th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have promoted, subject to your confirmation, Fred H. Casey from Jacksonville, Alabama, to the grade of Major General.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 18th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a promotion to the grade of Major General, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the promotion to Brigadier General.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 18th day of March, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have promoted, subject to your confirmation, Joseph W. Camp, Jr. from Huntsville, Alabama, to the grade of Brigadier General.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 18th day of March, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a promotion to the grade of Brigadier General, was read and referred to the Standing Committee on Confirmations.

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Kvalheim, Box, and Hogan:

H. 218. Relating to the Alabama Sunset Law; to continue the

existence and functioning of the Alabama Board of Nursing with certain modifications; to amend Section 34-21-25, Code of Alabama 1975, so as to establish a voluntary disciplinary alternative program for impaired licensees.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 552. To create a new circuit judgeship in the Sixth Judicial Circuit.

By Reps. Harper, Carothers, White, Holley, Mathis, Williams, Johnson, Laird, Hammett, Venable, Warren, Cullins, Newton (C), Willis, McDowell, and Haynes:

H. 191. To further provide for the funding of Emergency Medical Services Programs; and to provide an appropriation for capital outlay and for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Harper, Carothers, White, Holley, Mathis, Williams, Johnson, Laird, Hammett, Venable, Warren, Cullins, Newton (C), Willis, McDowell, and Haynes (With Substitute):

H. 192. To provide an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1994.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Freeman (With Notice and Proof):

H. 581. To alter and rearrange the boundary lines and corporate

limits of the City of Huntsville in Madison County to remove certain property from the corporate limits of the city.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Figures (With Notice and Proof):

S. 526. Relating to Mobile County; to amend Section 15 of Act No. 86-545, S. 655 of the 1986 Regular Session (Acts 1986, p. 1082) as amended by Act No. 92-105, H. 74 of the 1992 Regular Session (Acts 1992, p. 169) which created a County Racing Commission; to provide that a licensee may withhold income taxes; to clarify that the licensee may be entitled to interest earned; and to increase the amount of advertising from \$300,000 to \$500,000 with regard to the Capital Improvement Fund.

By Rep. Box (With Notice and Proof):

H. 626. Relating to Mobile County; to amend Act No. 92-105, H. 74, 1992 Regular Session, which creates a County Racing Commission, to further define requirements for applicants for benefits under the Mobile County Law Enforcement and Firefighters' Pension Fund.

RESOLUTIONS

Senator Denton offered the following Senate Joint Resolution, to-wit:

SJR 68. RECOGNIZING JUNE 7 TO 11, 1993, AS MANAGEMENT WEEK IN ALABAMA.

WHEREAS, recognition by this Legislature of Management Week In Alabama will create an understanding of the essential role of management in increasing productivity and strengthening our economic system, foster respect for this important profession, and encourage young persons to consider a career in a managerial vocation; and

WHEREAS, since its inception by The National Management Association, Management Week In America has grown in recognition, the week has been observed through joint resolution of the U. S. Congress and by Presidential Proclamation, and during this week numerous distinguished American business leaders have been named Manager of the Year; and

WHEREAS, the Legislature of Alabama wishes to designate Management Week In Alabama to coincide with Management Week In America, so that this profession may be acknowledged for its contributions to the economic growth and stability of this state and to honor the role and achievements of managers in our state and our society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of June 7 to June 11, 1993, is recognized as Management Week In Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Alabama Chapter of the National Management Association, so that the state chapter may know of this recognition and of our respect.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Hale, Smith (J), Smith (B), and Barron offered the following Senate Joint Resolution, to-wit:

SJR 69. RECOGNIZING THE CONTRIBUTION TO EDUCATION IN ALABAMA AND THE HISTORY OF ALABAMA MADE BY CONSTITUTION VILLAGE OF HUNTSVILLE, ALABAMA.

WHEREAS, the Legislature of Alabama records that in 1972, state and civic leaders in Madison County wished to preserve the site of the constitutional convention of 1819 located in Huntsville; and

WHEREAS, Constitution Hall Park was then established as a living memorial to Alabama's statehood and shall now be known as Constitution Village; and

WHEREAS, through the arduous tasks of research, fund raising, and development, the founders and staff of Constitution Village were able to recreate a working and thriving environment typical of Alabama in the early 1800's; and

WHEREAS, Constitution Village offers a variety of programs catering to the interests of school children, visiting adults, and teachers, including a teacher training program, the Summer Teacher's Institute, which was awarded the Exemplary Program Award by the United States Department of Education; and

WHEREAS, Alabama's Constitution Village is a unique tourist attraction that has made a meaningful and lasting contribution to the economic development of Huntsville and the state of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to commend the Board of Directors and staff of Constitution Village for their unique contribution to preserving the history of Alabama and their commitment to the education of students and teachers alike.

On motion of Senator Hale, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 70. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Sixteenth Legislative day only.

S. 292	Page 17
Architects, engineers, and licensed general contractors, limitation re professional liability for construction	
S. 293	17
Materialmen, limitation of liability for construction on real estate, statute of limitation	
S. 252	10
Building Commission auth. to charge service fees and deposit into revolving fund, Sec. 41-9-141 am'd.	
S. 383	42
Infected Health Care Worker Management Act, estab.	
S. 167	50
State Employee Injury Compensation Program, estab., remedy for employees injured at work, Secs. 41-9-62, 41-9-68 am'd.	
H. 246	86
Economic and Community Affairs Dept., approp.	
S. 382	69
Tenth Judicial Circuit dist. atty. may appt. deputy dist. atty., Act 90-202, Reg. Sess. 1990 am'd.	
S. 109	28
Prisoners sentenced for less than life terms, civil disabilities	

**REGULAR SESSION
16th Day**

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and operation of statute of limitations removed for cert. civil actions and other prop. rts., Sec. 6-2-8 am'd.

S. 219 29

Child abuse, crime of sexual torture estab.

S. 4 4

Small Business Incubator Act, approp.

S. 272 79

Sports Hall of Fame, officers and employees eligible for membership in Teachers' Retirement System, purchase of past service credit auth.

S. 334 43

Animal research, agricultural, commercial or ed. facilities, crimes re, penalties

H. 21 101

Taxation, ad valorem tax for fire protection purposes, distrib., consti. amend.

On motion of Senator Hale, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., SB 292, adopted.

Yeas 18 Nays 10

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Hale, Hill, Lipscomb, Mitchell, Owens, Smith (J), Waggoner, and Windom -18

Nays:

Senators:

Bennett, Campbell, Corbett, Escott-Russell, Floyd, Langford, Lindsey, Parsons, Sanders, and Wilson -10

**SPECIAL ORDER
BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 292. Relating to civil actions against architects, engineers,

and certain licensed general contractors; to provide a statute of limitations of three years after a cause of action accrues or arises in certain cases; to provide that all causes of action and to all rights of action which accrue more than four years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

Senator Corbett offered the following amendment to the Bill, SB 292, to-wit:

AMENDMENT TO SB 292

Amend Senate Bill 292 on page 2, line 4 strike the word four and substitute in lieu thereof One-Hundred, further amend on page 6, line 4 by striking the word 4 in lieu thereof One-Hundred, further amend on page 6, line 8 by striking four and substituting in lieu thereof One-Hundred, further amend on page 7, line 23, by striking the word four and substituting in lieu thereof One-Hundred, further amend on page 8, line 21, by striking the word four and substituting in lieu thereof One-Hundred, further amend on page 10, lines 18, 23, 26, 27 and 31 by striking the word four and substituting in lieu thereof One-Hundred, further amend on page 11, line 2 by striking the word seven and substituting in lieu thereof One-Hundred and Three, further amend on page 11, line 14, by striking the word four and substituting in lieu thereof One-Hundred, further amend on page 12, lines 3 and 16, by striking the word four and substituting in lieu thereof One-Hundred.

Senator Corbett then offered the following amendment No. 2 to the Corbett amendment No. 1 to the Bill, SB 292, to-wit:

AMENDMENT NO. 2 TO CORBETT AMENDMENT NO. 1 TO SB 292

Amend Corbett amendment No. 1 to Senate Bill 292 on page 2, line 4 strike the word four and substitute in lieu thereof Seventy-five, further amend on page 6, line 4 by striking the word 4 in lieu thereof Seventy-five, further amend on page 6, line 8 by striking four and substituting in lieu thereof Seventy-five, further amend on page 7, line 23, by striking the word four and substituting in lieu thereof Seventy-five, further amend on page 8, line 21, by striking the word four and substituting in lieu thereof Seventy-five, further amend on page 10, lines 18, 23, 26, 27 and 31 by striking the word four and substituting in lieu thereof Seventy-five, further amend on page 11, line 2 by striking the word seven and substituting in lieu thereof Seventy-eight, further amend on page 11, line 14, by striking the word four and substituting in lieu thereof Seventy-five, further amend on page 12, lines 3 and 16, by striking the word four and substituting in lieu thereof Seventy-five.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 356. To amend §§36-27-25 and 16-25-20, Code of Alabama 1975, to provide for the investment of the funds of the Teachers' and Employees' Retirement Systems of Alabama, in accordance with the same terms and limitations set forth in the Employee Income and Security Act of 1974; to further amend §16-25-14, Code of Alabama 1975, to provide that optional retirement allowances selected by members of the Teachers' Retirement System shall become effective on the member's date of retirement.

DON HALE,
Chairperson.

FURTHER CONSIDERATION OF SB 292

The Senate proceeded to further consideration of the Bill, SB 292. The question was on the Corbett amendment No. 2 to the Corbett amendment No. 1.

ADJOURNMENT

At 4:30 P.M., on motion of Senator Mitchell, pending further consideration of the Bill, SB 292, the Senate adjourned until Wednesday, March 24, 1993, at 10 o'clock A.M.

SEVENTEENTH LEGISLATIVE DAY

WEDNESDAY, MARCH 24, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Wendell Mitchell, Thirtieth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Thomas Dorell, Jeff Davis High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Figures for today.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, March 25, 1993, at 10 o'clock A.M., which motion was adopted.

COMMITTEE APPOINTMENTS ANNOUNCED

The President and Presiding Officer of the Senate announced that Senator Escott-Russell has been appointed to the following Standing Committees of the Senate, to-wit:

Local Legislation No. 2, Vice Chairperson

Finance and Taxation/Education Fund

Commerce, Transportation, and Utilities

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Barron (With Notice and Proof):

S. 561. Relating to Jackson County; to permit certain municipalities to determine by a local option election whether alcoholic beverages may be legally sold and distributed within the corporate limits of the municipalities; and providing for the conducting of these elections.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 561, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Mitchem, Horn, Barron, Langford, and Little:

S. 562. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Sports Festival for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Select Committee on
Fiscal Responsibility

By Senator Ellis (With Notice and Proof):

S. 563. Relating to Shelby County; authorizing the county commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act; and providing for a termination date.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 563, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Ellis (With Notice and Proof):

S. 564. Relating to Shelby County; to amend Section 7 of Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), pertaining to a rehabilitative and work release program for jail inmates, to provide further for inmates to pay the cost of their supervision from their gross earnings.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 564, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Sanders:

S. 565. To repeal Sections 9-13-40 to 9-13-50, inclusive, Code of Alabama 1975, relating to Auxiliary State Forests.

Committee on Agriculture,
Conservation, and Forestry

By Senator Corbett:

S. 566. To provide that advertised notices of foreclosure of real property shall include the street address of the foreclosed property; and to provide that this act is cumulative to any of the notice and recording requirements for instruments.

Committee on Economic Affairs

By Senators Windom and Bedsole (With Notice and Proof):

S. 567. Relating to Mobile County; providing further for the operation of the Mobile County School System.

Committee on Local
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 567, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Mitchell:

S. 568. To amend Sections 41-9-594 and 41-9-625, Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center Commission; to authorize the commission to adopt policies concerning arrest and criminal history information that conform to policies of the National Crime Information Center of the Federal Bureau of Investigation; to further provide for the maintenance and dissemination of arrest information; and for this purpose, to repeal Sections 41-9-639 and 41-9-641 of the Code of Alabama 1975.

Committee on Judiciary/Civil

By Senators Denton, Hale, Horn, Waggoner, Amari, Ellis, Bennett, and Lipscomb:

S. 569. To amend Section 38-4-12, Code of Alabama 1975, to further provide for the appropriation of the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors.

Select Committee on
Fiscal Responsibility

By Senator Escott-Russell:

S. 570. To provide for the purchase of credit under the Em-

ployees' Retirement System of Alabama by active and contributing members of the system for employment as a temporary state employee, to further provide a method of payment where the member pays the total cost of the credit, and to provide for termination.

Committee on Finance
and Taxation

By Senator Escott-Russell:

S. 571. To require each local school board to establish a written reduction-in-force policy.

Committee on Education

By Senators Lindsey, Parsons, Bedsole, and Ellis:

S. 572. To provide for a separate crime of engaging in a pattern of criminal gang activity, to provide for the forfeiture of property acquired as a result of that crime and firearms used in criminal gang activity, to provide for treatment as nuisances of real property where criminal gang activity is conducted, and to create a separate civil cause of action with treble damages to victims of criminal gang activity.

Committee on Judiciary/Civil

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 556. To provide further for information to be contained on documents conveying an interest in real property and to provide for an effective date.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 533. To amend Sections 27-29-1, 27-29-2, 27-29-3,

27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

By Senators Windom, Floyd, Hale, Little, Parsons, Corbett, Campbell, Figures, Lindsey, Langford, Bedsole, Dixon, Ghee, and Smith (J):

S. 545. To amend Section 32-8-87, Code of Alabama 1975, relating to motor vehicle certificates of title, to provide further for the circumstances when a motor vehicle would be considered a total loss and to provide further for the issuance of a certificate of title to the owner of a salvage motor vehicle restored to its operating condition prior to damage.

By Senator Windom:

S. 549. To create the Alabama Limited Liability Company Act; to allow the formation of domestic limited liability companies; to provide for definitions, formation procedures, professional services, and relationships of members and managers of companies to other members and third parties; to provide for contributions and distributions of a company; to provide for transfer of membership interests; to provide for registration of foreign limited liability companies; to provide for the merger and consolidation of domestic companies; to provide filing and certifying fees; and to provide a delayed effective date for the act.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Dixon and Langford (With Notice and Proof):

S. 550. To propose a constitutional amendment relating to the volunteer fire departments and emergency services in Montgomery County; to provide for the levy and collection of additional special ad valorem taxes for the fire protection and emergency services and to provide for the distribution of the fee, pursuant to Amendment 425 of the Constitution of 1901.

The above Bill was read a second time at length as required by the Constitution.

By Senator Hale:

S. 559. To propose an amendment to the Constitution of Ala-

bama of 1901, to provide for the election of the Cullman City Board of Education.

The above Bill was read a second time at length as required by the Constitution.

By Senator Hale (With Notice and Proof):

S. 560. Providing for a board of education for the City of Cullman, to be elected by the qualified electors of the city from the city at-large; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing certain immunity for the board members; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing the election of the school board for the City of Cullman in Cullman County.

RESOLUTION

Senator Corbett offered the following Senate Joint Resolution, to-wit:

SJR 71. ENDORSING THE "CANINE GOOD CITIZEN" PROGRAM.

Which was read and referred to the Standing Committee on Rules.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 292. Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of three years after a cause of action accrues or arises in certain cases; to provide that all causes of action and to all rights of action which accrue more than four years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

and pending Corbett amendment No. 2 to the Corbett amendment No. 1, which said amendments are set out in the Journal of the Senate for the Sixteenth Legislative Day.

On motion of Senator Hale, the Rules were suspended and further consideration of the Bill, SB 292, and pending amendments, was postponed temporarily.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 72. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business upon reaching bills on third reading for the Seventeenth legislative day of the 1993 Regular Session and for each day thereafter taking precedence over all other business until disposed of:

	Page
H. 205	139
Hearing Aid Dealers Bd., sunset law review, cont.	
H. 206	139
Medical Examiners Bd., sunset law review, cont., licensure qualifications, reciprocal agreements, med. school, penal and mental insts. phys. licensing, bd. may hire consultants, bd. membs. may act as paid consultants to bd., Title 34, Ch. 24 am'd. & rep.	
H. 207	140
Plumbers and Gas Fitters Examining Bd., sunset law review, cont., Sec. 34-37-15 am'd.	
H. 208	140
Board of Examiners for Speech Pathology and Audiology, licensure applicants, qualifications further provided, not more than one memb. from any U. S. Congressional dist. on bd. at the same time, Sec. 34-28A-40 am'd.	
H. 209	141
Chiropractic Examiners Bd., sunset law review, cont., limits on consumer membs'. family or employment in chiropractic, exec. secretary auth. to be licensee of bd., Sec. 34-24-140 am'd.	
H. 210	141
Board of Examiners in Psychology, sunset law review, cont., exam fee alt., Sec. 34-26-43.1 am'd.	
H. 211	142
Nursing Home Administrators Bd., sunset law review, cont., consumer memb. added, Sec. 34-20-4 am'd.	

- H. 213** 143
Optometry Bd., sunset law review, cont., delete ref. to hard contact lens, optometric ed. req. before taking exam, bd. membs. added, per diem incr., bd. comp., exec. dir. req. to be bd. licensee, Secs. 34-22-4, 34-22-20, 34-22-40 to 34-22-42 am'd.
- H. 214** 143
Physical Therapy Bd., sunset law review, cont., auth. rather than require revocation of license for violation by a licensee, Sec. 34-24-194 am'd.
- H. 215** 144
Veterinary Medical Examiners Bd., sunset law review, cont., advertising reg., Sec. 34-29-69 am'd.
- H. 217** 144
Podiatry Bd., sunset law review, cont., may hire exec. secretary, Sec. 34-24-252 am'd.
- H. 218** 154
Board of Nursing, sunset law review, cont., alternative disciplinary prog. for impaired nurses, Sec. 34-21-25 am'd.
- H. 219** 145
Pharmacy Bd., sunset law review, cont., drug inspectors req. to meet peace officers min. standards, two add'l. bd. membs., one to be black, delete ref. to relief pharmacists, Secs. 20-2-90, 34-23-90, 34-23-91 am'd.
- H. 212** 142
Dental Examiners Bd., sunset law review, cont., fees incr., publication of membership lists, parenteral sedative, Secs. 34-9-8, 34-9-16, 34-9-43, 34-9-63, 34-9-64 am'd.

On motion of Senator Hale, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 205, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, Corbett, Denton, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, and Wilson -25

Nays:

- 0

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 205. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers.

And said Bill, HB 205, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Sanders, Smith (B), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 206, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Wilson
-26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 206. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Medical Examiners and Medical Licensure Commission with certain modifications; to amend Sections 34-24-70, 34-24-73, 34-24-75, 34-24-83, and 34-24-313, Code of Alabama 1975, so as to rewrite qualifications for applicants for medical licensure, provide for licensure by endorsement of certain physicians, authorize the board to hire paid consultants, and authorize board members to serve the board as paid consultants; and to repeal

Sections 34-24-70.1, 34-24-72, 34-24-76, 34-24-77, and 34-24-78,
Code of Alabama 1975.

was read a third time at length and passed.

Yeas 20 Nays 0

Yeas:

Senators:

Bedsole, Campbell, Corbett, deGraffenried, Dial, Ellis, Foshee, Ghee,
Hale, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Smith (B),
Smith (J), Waggoner, Wilson, and Windom -20

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill,
your signature thereto is requested.

H. 205. Relating to the Alabama Sunset Law; to continue the
existence and functioning of the Board of Hearing Aid Dealers.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate,
after the reading thereof at length had been dispensed with by a two-
thirds vote of a quorum of the Senate present, and immediately after its
title had been publicly read at length by the Secretary of the Senate,
signed the foregoing Bill, the title of which is set out in the foregoing
Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 207, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Ghee,
Hill, Langford, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons,
Sanders, Smith (B), Smith (J), Waggoner, and Wilson -21

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 207. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board with certain modifications; to amend Section 34-37-15, Code of Alabama 1975, so as to allow certain repairs by the owner and occupier of property.

was taken up.

On motion of Senator Corbett, the Rules were suspended, and further consideration of the Bill, HB 207, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 208, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, and Smith (B) -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 208. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners For Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-21 and 34-28A-40, Code of Alabama 1975, so as to provide further for the qualifications of applicants for licensure by the board, and to require that not more than one member from any United States Congressional District shall be appointed to serve on the board at the same time.

was taken up.

The Standing Committee on Economic Affairs reported the following amendment to the Bill, HB 208, to-wit:

AMENDMENT TO HB 208

Amend HB 208 on Page 5, Line 25, as follows: by striking the ", " after the word "programs" and by striking the word "of".

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Langford, Lipscomb, Little, Owens, Parsons, Sanders, and Smith (B) -19

Nays:

- 0

And said Bill, HB 208, as thus amended, was read a third time at length and passed.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Langford, Lipscomb, Little, Owens, Parsons, Sanders, and Smith (B) -18

Nays:

- 0

FURTHER CONSIDERATION OF HB 207

The Senate proceeded to further consideration of the Bill, HB 207.

Senator Parsons offered the following substitute for the Bill, HB 207, to-wit:

SUBSTITUTE FOR HB 207

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board with certain modifications; to amend Section 34-37-15, Code of Alabama 1975, so as to allow certain repairs by the owner and occupier of property.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Plumbers and Gas Fitters Examining Board, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Plumbers and Gas Fitters Examining Board, created and functioning pursuant to Sec-

tions 34-37-1 to 34-37-18, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Section 34-37-15 of the Code of Alabama 1975, is amended to read as follows:

"§34-37-15.

"(a) The following ~~acts~~, work, and ~~conduct~~ services may be performed by anyone, without license or certificate, provided, however, that all work and services herein named or referred to shall be subject to an inspection and approval in accordance with the terms of all state laws and applicable municipal ordinances:

"(1) Plumbing work done by a property owner in or about a building owned ~~or~~ and occupied by him or her.

"(2) Plumbing work done in or about a building by the owner of the building so long as the plumbing work does not necessitate tying into waste or sewer lines on the outlet side of a trap.

~~"(2)(3)~~ Plumbing or gas fitting work done by anyone who is regularly employed or acting as a maintenance ~~man~~ provider acting under the supervision of a maintenance engineer or maintenance engineer incidental to and in connection with the business in which he or she is employed and engaged, ~~provided said~~ if the plumbing or gas fitting work is done on the premises of ~~said the~~ employer, and ~~who if the person~~ does not engage in the occupation of a plumber or gas fitter for the general public.

~~"(3)(4)~~ Maintenance and reinstallation work done upon the premises or equipment of a railroad, or other businesses or industry, by an employee thereof who does not engage in the occupation of a plumber or gas fitter for the general public.

~~"(4)(5)~~ Plumbing or gas fitting work done by persons engaged by any public utility company in the laying, maintenance, and operation of its service mains or lines and the installation, alteration, adjustment, repair, removal, and renovation of all types of appurtenances, equipment, and appliances, ~~provided such~~ if the plumbing work does not necessitate tying into waste or sewer lines on the outlet side of a trap or alter gas piping on consumer side of meter.

~~"(5)(6)~~ Appliances or fixture installations and service work done in connecting appliances or fixtures to existing piping installations.

~~"(6)(7)~~ Any person may install washing machines to existing piping installation or waste lines, ~~provided such~~ if the plumbing work

does not necessitate tying into waste or sewer lines on the outlet side of the trap.

"(b) ~~The provisions of this~~ This chapter shall not apply to any natural gas utility company having fewer than 350 employees that is regulated by the Alabama Public Service Commission."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Langford, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, and Smith (B) -21

Nays:

- 0

Senator Dial offered the following amendment to the Bill, HB 207, as amended by the substitute, to-wit:

AMENDMENT TO HB 207, AS AMENDED

On page 2, line 29, before the period mark, add the following additional language:

, or plumbing work by members of a volunteer fire department or rescue squad performed on a facility or building constructed or owned by the volunteer fire department or rescue squad.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Langford, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, and Smith (B) -22

Nays:

- 0

And said Bill, HB 207, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 21 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Ghee, Hale, Langford, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, and Smith (B) -21

Nays:

- 0

RECESS

At 12 o'clock Noon, on motion of Senator Corbett, the Senate took a recess until 2 o'clock P.M.

At 2 o'clock P.M., the recess period having expired, the Senate was called to order by President Pro Tempore deGraffenried. A quorum of the Senate was present.

RESOLUTION

Senator Mitchell requested and received unanimous consent to suspend the provisions of the Sunset Law (3/5 vote) in order to offer the following Senate Joint Resolution, to-wit:

SJR 73. COMMENDING THE BRANTLEY HIGH SCHOOL BULLDOGS AS THE 1993 STATE CLASS 1A BASKETBALL CHAMPIONS.

WHEREAS, it is with great pleasure that the Alabama Legislature commends and congratulates the Brantley High School Bulldogs on their 1993 State Class 1A Basketball Championship; and

WHEREAS, the Brantley High team, which captured the Title with a spectacular 32-2 season record, accomplished this feat under the expert direction of Head Coach Tony Stallworth, who was most ably assisted by Coach Johnny Mitchell, managers Gabriel Bryant and Mario Wiley, athletic trainer Roland Jones, Jr., scorekeeper Carl Smith, statisticians Johnny Young and Austin Cauley, and photographers Candace Johnson, Rachall Crowe, Kyle McDowell and Chad Nelson; and

WHEREAS, in addition, the Bulldogs placed first in the Luverne and Andalusia Christmas Tournaments, the Area and SEAC Tournaments; and finished 8-0 in Area play; and

WHEREAS, cheering the Bulldogs to victory from the sidelines

ere captain Michele Smith, co-captain Tracy Mathews, along with teammates Rena Driggers, Taisha Mitchell, Jessica Carter, Natasha Tillis, Stacey Walker, Tonya Crowe, Ashleigh Weeks and Carrie McSwean, as well as Semetria Burnette, mascot, and Rhonda Jones, sponsor; and

WHEREAS, The Bulldogs, consisting of Eric Person, Ashley Kilcrease, Antonio Rogers, Edward Downie, Derek Caldwell, Andrew Kilcrease, Andretti Daniels, Jimmy Burnett, Adrian Person, Eric Crenshaw and Ashley Carlisle, each contributed greatly to an outstanding team effort and a phenomenal season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Tony Stallworth and the Brantley High Bulldogs as the 1993 State Class 1A Basketball Champions, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

On motion of Senator Mitchell, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 209, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Foshee, Hale, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, and Smith (B)

-18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 209. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Chiropractic Examiners with certain modifications; to amend Section 34-24-140, Code of Alabama 1975, so as to prohibit the consumer member of the board from being employed in chiropractic or having an immediate family member who is a chiropractor, and to authorize, rather than require, the executive secretary of the board to be a licensee of the board.

was read a third time at length and passed.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Langford, Lipscomb, Mitchell, Mitchem, Owens, Sanders, Smith (B), Waggoner, and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 210, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Langford, Lipscomb, Little, Mitchell, Smith (B), and Waggoner -17

Nay: Senator Sanders

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 210. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology with certain modifications; to amend Section 34-26-43.1, Code of Alabama 1975, so as to require examination fee sufficient to cover cost of examination of the applicant.

was taken up.

On motion of Senator Sanders, the Rules were suspended and further consideration of the Bill, HB 210, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 206. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Medical Examiners and Medical Licensure Commission with certain modifications; to amend Sections 34-24-70, 34-24-73, 34-24-75, 34-24-83, and 34-24-313, Code

of Alabama 1975, so as to rewrite qualifications for applicants for medical licensure, provide for licensure by endorsement of certain physicians, authorize the board to hire paid consultants, and authorize board members to serve the board as paid consultants; and to repeal Sections 34-24-70.1, 34-24-72, 34-24-76, 34-24-77, and 34-24-78, Code of Alabama 1975.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 211, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom -20

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 211. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators with certain modifications; to amend Sections 34-20-4, 34-20-9, 34-20-10, 34-20-11, 34-20-12, and 34-20-13, Code of Alabama 1975, so as to add a consumer member to the board, require that not more than one board member from any United States Congressional District be appointed to serve at the same time and stagger terms of board members; allow the board to set its fees by rule and regulation; and to authorize certain additional fees.

was read a third time at length and passed.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Ghee, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), and Smith (J) -20

Nays:

- 0

FURTHER CONSIDERATION OF HB 210

The Senate proceeded to further consideration of the Bill, HB 210.

And said Bill, HB 210, was read a third time at length and passed.

Yeas 18 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, and Smith (B) -18

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 213, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Ellis, Escott-Russell, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), and Smith (J) -20

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 213. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Optometry with certain modifications; to amend Sections 34-22-4, 34-22-20, 34-22-40, 34-22-41, and 34-22-42, Code of Alabama 1975, so as to delete references to hard contact lenses, require applicants to complete educational requirements before taking the exam, increase the exam fee, add two members to the board, increase the daily reimbursement of board members, and authorize the executive director to be a licensee of the board.

was read a third time at length and passed.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), and Smith (J) -21

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 214, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), and Waggoner -20

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 214. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Section 34-24-194, Code of Alabama 1975, so as to authorize, rather than require, the revocation by the board of a license for certain violations of board licenses.

was read a third time at length and passed.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), and Waggoner -21

Nays:

- 0

RESOLUTION

Senator Bedsole requested and received unanimous consent to suspend the provisions of the Sunset Law (3/5 vote) in order to offer the following Senate Joint Resolution, to-wit:

SJR 74. OFFICIALLY DESIGNATING KATHERINE

SMYTHE OF MEMPHIS, TENNESSEE, AS "MISS KATHERINE" IN THE STATE OF ALABAMA.

WHEREAS, Katherine Powell Hinds Smythe of Memphis, Tennessee, immediate past president of the Southern Cemetery Association graced our state with a visit in July 1992 to attend the association's 59th Annual Family Reunion, Convention and Trade Show held in Point Clear; and

WHEREAS, during a scheduled convention event, reference was made to Mrs. Smythe as "Miss Katherine," in keeping with the widely accepted practice in Alabama of using the title "Miss," or "Mr.," with an individual's given name to denote respect, affection and friendship, all of which our "Miss Katherine" from Memphis is justly due; and

WHEREAS, we do indeed greatly admire and appreciate the many professional accomplishments of this warm and gracious lady from Tennessee, and we value her highly as a good and true friend; and

WHEREAS, at the same time, however, we must confess that, in Alabama, we have a fondness for using short and descriptive colloquialisms--and, who among us would not admit that Katherine Powell Hinds Smythe is quite a mouthful, while "Miss Katherine" says it best; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Katherine H. Smythe, whom we herein officially designate as "Miss Katherine," and by which name she shall henceforth and forever be known in the State of Alabama.

BE IT FURTHER RESOLVED, That "Miss Katherine" be provided with a copy of this resolution, in token of our friendship and esteem, and as a memento of this honorary designation by the Legislature of Alabama.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

ADJOURNMENT

At 3:05 P.M., on motion of Senator Corbett, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, March 25, 1993, at 10 o'clock A.M.

EIGHTEENTH LEGISLATIVE DAY

THURSDAY, MARCH 25, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Jack Floyd, Fifth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Andrea Lawson, Jeff Davis High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom

-31

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Figures, Hill, Mitchem, and Wilson for today.

RESOLUTION

Senator deGraffenried requested and received unanimous consent to suspend the provisions of the Sunset Law (3/5 vote) in order to offer the following Senate Joint Resolution, to-wit:

SJR 75. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses of the Legislature adjourn today, March 25, 1993, they adjourn to meet again on April 6, 1993.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 6, 1993, at 2 o'clock P.M., which motion was adopted.

INTRODUCTION OF BILLS

Senator Lipscomb requested and received unanimous consent to suspend the provisions of the Sunset Law (3/5 vote) and the following bill was introduced, and it was read one time, and referred to appropriate standing committee, as follows:

By Senators Lipscomb and Denton:

S. 573. Permitting local boards of education to allow or encourage, or both, the reading or posting of certain historical and public documents in public schools and at school events; prohibiting certain content-based censorship; and requiring local boards to be notified.

Senator Waggoner requested and received unanimous consent to suspend the provisions of the Sunset Law (3/5 vote) and the following bill was introduced, and it was read one time, and referred to appropriate standing committee, as follows:

By Senator Waggoner:

S. 574. To establish the Alabama Legislative Advisory Commission on Total Quality Management in Government Act of 1993.

Committee on Governmental
Affairs/State Administration

Senator Campbell requested and received unanimous consent to suspend the provisions of the Sunset Law (3/5 vote) and the following bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Campbell:

S. 575. To provide for an alternative late charge in an amount not exceeding the greater of \$2 or five percent of the scheduled payment, which may be charged and collected in connection with a consumer loan, a consumer credit sale, or a consumer credit lease when the scheduled payment is delinquent or in default more than five business days.

Committee on Banking
and Insurance

By Senator Campbell (With Notice and Proof):

S. 576. Relating to Morgan County; to provide for the compensation of members of the county board of registrars, by amending Section 1 of Act No. 773, S. 811, 1977 Regular Session (Acts 1977, p. 1279).

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 576, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

Senator Dixon requested and received unanimous consent to suspend the provisions of the Sunset Law (3/5 vote) and the following

bill was introduced, and it was read one time, and referred to appropriate standing committee, as follows:

By Senator Dixon:

S. 577. To exempt Camp Alamisco from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance
and Taxation

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 215, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Langford, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (B), Waggoner, and Windom -20

Nays:

- 0

BILLS ON THIRD READING

THE BILL:

H. 215. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Veterinary Medical Examiners with certain modifications; to amend Section 34-29-69, Code of Alabama 1975, so as to authorize the board to regulate by rule and regulation the advertising or solicitation of veterinary services by its licensees.

was read a third time at length and passed.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Floyd, Ghee, Horn, Lindsey, Little, Owens, Parsons, Sanders, Smith (B), Smith (J), and Windom -20

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 209. Relating to the Alabama Sunset Law; to continue the

existence and functioning of the State Board of Chiropractic Examiners with certain modifications; to amend Section 34-24-140, Code of Alabama 1975, so as to prohibit the consumer member of the board from being employed in chiropractic or having an immediate family member who is a chiropractor, and to authorize, rather than require, the executive secretary of the board to be a licensee of the board.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 210. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology with certain modifications; to amend Section 34-26-43.1, Code of Alabama 1975, so as to require examination fee sufficient to cover cost of examination of the applicant.

Also:

H. 211. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators with certain modifications; to amend Sections 34-20-4, 34-20-9, 34-20-10, 34-20-11, 34-20-12, and 34-20-13, Code of Alabama 1975, so as to add a consumer member to the board, require that not more than one board member from any United States Congressional District be appointed to serve at the same time and stagger terms of board members; allow the board to set its fees by rule and regulation; and to authorize certain additional fees.

Also:

H. 213. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Optometry with

certain modifications; to amend Sections 34-22-4, 34-22-20, 34-22-40, 34-22-41, and 34-22-42, Code of Alabama 1975, so as to delete references to hard contact lenses, require applicants to complete educational requirements before taking the exam, increase the exam fee, add two members to the board, increase the daily reimbursement of board members, and authorize the executive director to be a licensee of the board.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 214. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Section 34-24-194, Code of Alabama 1975, so as to authorize, rather than require, the revocation by the board of a license for certain violations of board licenses.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Smith (B) requested and received unanimous consent to

suspend the provisions of the Sunset Law (3/5 vote) in order to bring up the Bill, HB 581.

Senator Smith (B), B.I.R., HB 581, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 581. To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County to remove certain property from the corporate limits of the city.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), and Windom -25

Nays:

- 0

SUNSET LAW SUSPENDED

Senator Campbell requested and received unanimous consent to suspend the provisions of the Sunset Law (3/5 vote) in order to allow the Standing Committee on Local Legislation No. 1 to report out of order.

REPORTS OF COMMITTEES

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis (With Notice and Proof):

S. 519. Relating to the City of Alabaster in Shelby County; to establish a civil service system and to provide for classified services; to

establish a personnel board and to provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

By Senator Ghee (With Notice and Proof):

S. 553. Relating to Calhoun County, amending Act 92-465 of the 1992 Regular Session regarding the imposition of a sales tax on liquors sold by licensees for on-premises consumption, altering the date licensees subject to the tax must report purchases to the Judge of Probate.

By Senator Ellis (With Notice and Proof):

S. 563. Relating to Shelby County; authorizing the county commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act; and providing for a termination date.

By Senator Ellis (With Notice and Proof):

S. 564. Relating to Shelby County; to amend Section 7 of Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), pertaining to a rehabilitative and work release program for jail inmates, to provide further for inmates to pay the cost of their supervision from their gross earnings.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 217, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Langford, Lipscomb, Little, Owens, Sanders, Smith (J), Waggoner, and Windom -20

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 217. Relating to the Alabama Sunset Law; to continue the

existence and functioning of the Board of Podiatry with certain modifications; to amend Sections 34-24-250 and 34-24-252, Code of Alabama 1975, so as to require one black member on the board and authorize the board to hire an executive secretary.

was read a third time at length and passed.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Langford, Lipscomb, Little, Owens, Sanders, Smith (J), Waggoner, and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 218, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Langford, Lipscomb, Little, Owens, Parsons, Sanders, Smith (J), and Waggoner -22

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 218. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing with certain modifications; to amend Section 34-21-25, Code of Alabama 1975, so as to establish a voluntary disciplinary alternative program for impaired licensees.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, HB 218, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 219, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Langford, Lipscomb, Little, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 219. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy with certain modifications; to amend Sections 20-2-90, 34-23-90, and 34-23-91, Code of Alabama 1975, so as to provide requirements for drug inspection of the board, add two members to the board, provide further for the nomination and election of board members, and provide further for reimbursement for relief pharmacists.

was taken up.

The Standing Committee on Economic Affairs reported the following substitute for the Bill, HB 219, to-wit:

SUBSTITUTE FOR HB 219

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy with certain modifications; to amend Sections 20-2-90, 34-23-90, and 34-23-91, Code of Alabama 1975, so as to provide requirements for drug inspection of the board, add two members to the board, provide further for the terms of office and replacement of board members and for the selection of a secretary of the board, and provide further for reimbursement for relief pharmacists.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Alabama State Board of Pharmacy, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Alabama State

Board of Pharmacy, created and functioning pursuant to Sections 34-23-90 to 34-23-118, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 20-2-90, 34-23-90, and 34-23-91 of the Code of Alabama 1975, are amended to read as follows:

"§20-2-90.

~~"It shall be the duty of the~~ The state board of pharmacy and its drug inspectors ~~to shall~~ enforce all provisions of this chapter. The agents and officers of this department of public safety, the drug and narcotic agents and inspectors of the state board of health, the investigators of the state board of medical examiners, the investigators of the board of dental examiners, and all peace officers of the state and all prosecuting attorneys are also charged with the enforcement of this chapter. The agents and officers of the department of public safety, the drug inspectors of the state board of pharmacy, the investigators of the state board of medical examiners, the investigators of the board of dental examiners, and the drug and narcotic agents and inspectors of the state board of health shall have the powers of peace officers in the performance of their duties to:

"(1) Make arrests without warrant for any offense under this chapter committed in their presence, or if they have probable cause to believe that the person to be arrested has committed or is committing a violation of this chapter which may constitute a felony; _

"(2) Make seizures of property pursuant to this chapter; _

"(3) Carry firearms in the performance of their official duties.

"(b) In addition to the requirements of subsection (a), drug inspectors of the State Board of Pharmacy shall, beginning October 1, 1993, meet the minimum standards required of peace officers in this state.

"§34-23-90.

"(a) The Alabama state board of pharmacy is ~~hereby~~ vested with the authority to carry out the purposes and enforce ~~the provisions of~~ this chapter. The board shall consist of five members, at least one of which shall be actively engaged in the practice of pharmacy in a hospital. The members of the board shall be licensed pharmacists who have been licensed in this state for a minimum of ~~10~~ 5 years and who are actively engaged in the practice of pharmacy. On or before December 1 of 1981, and five years thereafter, or whenever a vacancy occurs in the designated position, the Alabama Society of Hospital Pharmacists shall submit a list

of five pharmacists actively engaged in the practice of pharmacy and working at least 75 percent of the time in a hospital pharmacy. On or before December 1 of 1983, December 1 of 1984, December 1 of 1985, and five years from these dates or whenever a vacancy occurs in a nondesignated position, the Alabama Pharmaceutical Association shall submit a list of five pharmacists actively engaged in the practice of pharmacy and working at least 75 percent of the time in a retail pharmacy. From the names submitted to the governor, he shall appoint a replacement for the member(s) whose term is next expiring on or before December 31 of the same year in which he receives the nominations. Any vacancies occurring on the board other than by expiration of term shall be filled only for the unexpired term by appointment by the governor from the most recent list of nominations submitted. The first vacancy which occurs on the board following the passage of this section shall be filled from the list submitted by the statewide professional organization representing those actively engaged in the practice of pharmacy in a hospital. Each member of the board shall serve a term of five years beginning on January 1 following his appointment and terminating on December 31 of his or her fifth year as a member of the board, or until his or her successor is appointed and duly qualified.

~~"(b) No member shall be eligible to serve more than two full consecutive terms of office. No pharmacist shall serve two full terms consecutively.~~

"(c) The governor, upon recommendation of the board, may remove a member of the board upon proven charges of inefficiency, incompetency, immorality, or professional misconduct. The replacement shall be appointed by the same procedure that the replaced member was appointed. Appointees to the board shall within 30 days after their appointment take an oath or make affirmation before a properly qualified officer that they will faithfully and impartially perform the duties of their office. This oath or affirmation shall be filed with the secretary of state. At its last regular meeting in each calendar year, the board shall organize by electing for a term of one year, effective the following January 1, a president, a vice-president, and a treasurer who shall be members of the board. No member shall serve more than two years in the same office on the board during a five-year term. The board shall also elect a secretary who ~~may or may not~~ shall not be a member of the board and who shall be compensated for his services by the board, and the board shall have the authority to fix the amount of the secretary's remuneration. If a board member is selected as secretary, the board member shall resign from the board and a replacement on the board shall be selected by the same procedure by which he was originally elected. The secretary shall be selected and employed under the guidelines of the Federal Equal Employment Opportunity Commission (EEOC) and shall not be employed during the service by any licensee of the board.

"§34-23-91.

"The president of the board shall preside at all of the board's meetings. ~~and in his absence or inability, the~~ The vice-president shall preside in the absence or inability of the president. The secretary of the board shall be the executive officer in charge of the board's office. ~~He~~ the secretary shall make, keep, and be in charge of all records and record books required to be kept by the board, including a register containing all information which shall be required under this chapter. ~~;~~ ~~he~~ The secretary shall attend to the correspondence of the board and shall perform such any other duties as the board may require in keeping with the office of secretary. ~~He~~ The secretary shall receive and record all fees collected under this chapter and, at regular intervals as ordered by the board, shall pay the same over fees to the treasurer of the board for its use. The secretary is empowered to may have such any forms printed and office supplies furnished as may be necessary to carry out the provisions of implement this chapter. The secretary and treasurer of the board shall each furnish bond in an amount to be fixed by the board, ~~the same to and shall~~ be conditioned upon the faithful performance and discharge of their respective official duties. The members of the board shall be paid the same per diem and travel allowance as is paid by law to state employees while engaged in the performance of the duties of the board, in addition to any daily compensation or allowance, ~~if any, as may be~~ provided by the board, in such an amount as may be determined by the board. ~~The board shall likewise determine and fix the daily rate for payment of relief pharmacists.~~ The board shall conduct meetings at least three times annually and more often when deemed necessary for the examination of applicants for licensure and for the transaction of such business as may legally come before it. Public notice of all stated meetings shall be given at least 30 days in advance of said the meetings. At all meetings of the board, a majority shall constitute a quorum. The members of the board shall determine the place of meetings of the board ~~shall be at the discretion of the members.~~ The treasurer of the board shall have in his custody of all funds derived from the various provisions of this chapter. All disbursements shall be made by check as authorized by vouchers signed by the president and secretary of the board. The books and records of the board as made and kept by the secretary or under his supervision shall be prima facie evidence of the matter therein recorded in any court."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Economic Affairs then reported the following amendment to the substitute for the Bill, HB 219, to-wit:

AMENDMENT TO SUBSTITUTE FOR HB 219

Amend the substitute for HB 219 on page 3, line 30, as follows: after the comma(,) insert the following "at least one of whom shall be a minority, and"

Which was adopted.

And said substitute, as amended, was then adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), and Waggoner-23

Nays:

- 0

Senator Bolling offered the following substitute for the Bill, HB 219, as amended by the substitute, as amended, to-wit:

SUBSTITUTE FOR HB 219, AS AMENDED

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy with certain modifications; to amend Sections 20-2-90, 34-23-90, and 34-23-91, Code of Alabama 1975, so as to provide requirements for drug inspection of the board, provide further for the qualifications, nomination, election, and appointment of board members, and provide further for reimbursement for relief pharmacists.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Alabama State Board of Pharmacy, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Alabama State Board of Pharmacy, created and functioning pursuant to Sections 34-23-90 to 34-23-118, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 20-2-90, 34-23-90, and 34-23-91 of the Code of Alabama 1975, are amended to read as follows:

"§20-2-90.

~~"(a) It shall be the duty of the~~ The state board of pharmacy and its drug inspectors ~~to shall~~ enforce all provisions of this chapter. The agents and officers of ~~this~~ department of public safety, the drug and narcotic agents and inspectors of the state board of health, the investigators of the state board of medical examiners, the investigators of the board of dental examiners, and all peace officers of the state and all prosecuting attorneys are also charged with the enforcement of this chapter. The agents and officers of the department of public safety, the drug inspectors of the state board of pharmacy, the investigators of the state board of medical examiners, the investigators of the board of dental examiners, and the drug and narcotic agents and inspectors of the state board of health shall have the powers of peace officers in the performance of their duties to:

"(1) Make arrests without warrant for any offense under this chapter committed in their presence, or if they have probable cause to believe that the person to be arrested has committed or is committing a violation of this chapter which may constitute a felony; _

"(2) Make seizures of property pursuant to this chapter; _

"(3) Carry firearms in the performance of their official duties.

"(b) In addition to the requirements of subsection (a), drug inspectors of the State Board of Pharmacy shall, beginning October 1, 1993, meet the minimum standards required of peace officers in this state.

"§34-23-90.

~~"(a) The Alabama state board of pharmacy is hereby vested with the authority to carry out the purposes of and enforce the provisions of this chapter. The board shall consist of five members, at least one of which shall be actively engaged in the practice of pharmacy in a hospital. The members of the board shall be licensed pharmacists who have been licensed in this state for a minimum of 10 5 years and who are actively engaged in the practice of pharmacy or pharmacy administration, or both. One member shall be engaged in the practice of pharmacy, or~~

pharmacy administration, or both, in a hospital, one in an independent pharmacy, and one in a chain pharmacy. On or before December 1 of 1981 August 1, 1996, and each five years thereafter, or whenever a vacancy occurs in the designated position for hospital pharmacists, the Alabama Society of Hospital Pharmacists shall submit a list of five pharmacists actively engaged in the practice of pharmacy and working at least 75 percent of the time in a hospital pharmacy two nominees to the board to be placed on a statewide ballot of Alabama pharmacists. The board of directors of the Alabama Society of Hospital Pharmacists shall select a committee of five hospital pharmacists who are members of the society to serve as a nominating committee. No more than one pharmacist from any particular pharmacy or county shall serve on the nominating committee. No one on the committee shall be a candidate. The committee may receive names of pharmacists actively engaged in pharmacy practice or administration, or both, from institutions and individuals, and shall narrow the list of nominees to two names to be placed on a ballot to be voted on by all Alabama licensed pharmacists. On or before August 1, 1994, and each five years thereafter, or whenever a vacancy occurs in the designated position for a chain pharmacist, the Alabama Pharmacists' Association shall submit a list of two nominees to the Board of Pharmacy to be placed on a statewide ballot of Alabama pharmacists. The board of trustees of the Alabama Pharmacists' Association shall select a committee of five chain pharmacists who are members of the association to serve as a nominating committee. No more than one pharmacist from any particular chain pharmacy shall serve on the nominating committee. No one on the committee shall be a candidate. The committee may receive names of pharmacists actively engaged in pharmacy practice or administration, or both, from companies and individuals, and shall narrow the list of nominees to two names to be placed on a ballot to be voted on by all Alabama licensed pharmacists. On and after the effective date of the act amending this section, only pharmacists who are actively engaged in an independent practice may participate in the total nominating process of the independent pharmacist position. On or before August 1, 1997, and each five years thereafter or whenever a vacancy occurs in the designated position for the independent pharmacist, the independent pharmacist members of the Alabama Pharmacists' Association shall submit a list of two nominees to the Board of Pharmacy to be placed on a statewide ballot of Alabama pharmacists. The Speaker of the House of Delegates of the Alabama Pharmacists' Association shall receive the names of independent pharmacists, who are actively engaged in pharmacy practice or administration, or both, from the independent pharmacist members of each Alabama Pharmacists' Association district. The independent pharmacist members of the APA House of Delegates shall narrow the list of nominees down to two names to be placed on a ballot to be voted on by all Alabama licensed pharmacists. On or before December 1 of 1983 December 1, 1995, and each five years thereafter, and on or before December 1, 1998, and each five years thereafter, or whenever a

~~vacancy occurs, December 1 of 1984, December 1 of 1985, and five years from these dates or whenever a vacancy occurs in a nondesignated position, the Alabama Pharmaceutical Pharmacists' Association shall submit a list of five pharmacists actively engaged in the practice of pharmacy to the Governor and working at least 75 percent of the time in a retail pharmacy. From the names submitted to the governor, he or she shall appoint a replacement on or before December 31 of the same year in which he or she receives the nominations, for the member(s) whose term is next expiring on or before December 31 of the same year in which he receives the nominations. Any vacancies occurring on the board other than by expiration of term shall be filled by election or appointment only for the unexpired term by appointment by the governor from the most recent list of nominations submitted. The first vacancy which occurs on the board following the passage of this section shall be filled from the list submitted by the statewide professional organization representing those actively engaged in the practice of pharmacy in a hospital and shall be filled by the same procedure that the replaced member was elected or appointed. Each member of the board shall serve a term of five years beginning on January 1 following his appointment and terminating on December 31 of his or her fifth year as a member of the board, or until his successor is appointed and duly qualified.~~

"(b) Background information shall be provided for each nominee for an appointed position. The election procedure for a designated slot shall be as follows: Each candidate shall provide a biographical sketch of not more than 150 words, which shall include his or her most recent practice experience. The board shall mail election ballots and a biographical sketch of the candidates to Alabama licensed pharmacists by September 1. Completed ballots returned to the board postmarked by October 1 shall be tabulated. A pharmacist receiving a majority of the ballots received shall be considered the winner. If a runoff election is necessary, the runoff ballots shall be mailed to licensed pharmacists by November 1 and returned postmarked by December 1. A canvassing committee consisting of a representative from the Alabama Pharmacists' Association, Alabama Society of Hospital Pharmacists, Auburn University School of Pharmacy, and Samford University School of Pharmacy shall tabulate the ballots.

~~"(b) (c) No member shall be eligible to serve more than two full consecutive terms of office. No pharmacist shall serve two full terms consecutively.~~

~~"(c) (d) The governor, upon recommendation of the board, may remove a member of the board upon proven charges of inefficiency, incompetency, immorality, or professional misconduct. The replacement member shall be elected or appointed by the same procedure that the removed member was elected or appointed. Appointees to the board shall within 30 days after their appointment or election take an oath or make~~

affirmation before a properly qualified officer that they will faithfully and impartially perform the duties of their office. This oath or affirmation shall be filed with the secretary of state. At its last regular meeting in each calendar year, the board shall organize by electing for a term of one year, effective the following January 1, a president, a vice-president, and a treasurer who shall be members of the board. No member shall serve more than two years in the same office on the board during a five-year term. The board shall also elect a secretary who may or may not be compensated for his services by the board, and the board shall have the authority to fix the amount of the secretary's remuneration. If a board member is selected as secretary, the board member shall resign from the board and a replacement on the board shall be selected by the same procedure by which the resigned member was originally elected or appointed. The secretary shall not be employed during the service by any registrant of the board.

"(e) For the purpose of this section, a chain pharmacy shall be defined as any retail pharmacy employing in Alabama a minimum of 40 full-time equivalent pharmacists. A chain pharmacist is defined as a pharmacist employed on a full-time basis by a chain pharmacy for a minimum of three years.

"§34-23-91.

"The president of the board shall preside at all of the board's meetings, and in his absence or inability, the vice-president shall preside in the absence or inability of the president. The secretary of the board shall be the executive officer in charge of the board's office. He shall make, keep, and be in charge of all records and record books required to be kept by the board, including a register containing all information which shall be required under this chapter. The secretary shall attend to the correspondence of the board and shall perform such other duties as the board may require in keeping with the office of secretary. He shall receive and record all fees collected under this chapter and, at regular intervals as ordered by the board, shall pay the same over fees to the treasurer of the board for its use. The secretary is empowered to may have such any forms printed and office supplies furnished as may be necessary to carry out the provisions of implement this chapter. The secretary and treasurer of the board shall each furnish bond in an amount to be fixed by the board, the same to and shall be conditioned upon the faithful performance and discharge of their respective official duties. The members of the board shall be paid the same per diem and travel allowance as is paid by law to state employees while engaged in the performance of the duties of the board, in addition to any daily compensation or allowance, if any, as may be provided determined by the board, in such amount as may be determined by the board. The board shall likewise determine and fix the

~~daily rate for payment of relief pharmacists.~~ The board shall conduct meetings at least three times annually and more often when deemed necessary for the examination of applicants for licensure and for the transaction of ~~such~~ business as may legally come before it. Public notice of all stated meetings shall be given at least 30 days in advance of ~~said~~ the meetings. At all meetings of the board, a majority shall constitute a quorum. The members of the board shall determine the place of meetings of the board shall be at the discretion of the members. The treasurer of the board shall have ~~in his custody of~~ all funds derived from the various provisions of this chapter. All disbursements shall be made by check as authorized by vouchers signed by the president and secretary of the board. The books and records of the board as made and kept by the secretary or under his supervision shall be prima facie evidence of the matter therein recorded in any court."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Corbett moved that said substitute be laid on the table, which motion was lost.

Yeas 6 Nays 21

Yeas:

Senators:

Corbett, Escott-Russell, Horn, Langford, Little, and Sanders - 6

Nays:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Foshee, Hale, Lipscomb, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -21

Senator Escott-Russell offered the following amendment to the Bolling substitute for the Bill, HB 219, as amended by the substitute, as amended, to-wit:

AMENDMENT TO BOLLING SUBSTITUTE FOR HB 219, AS AMENDED

On page 3, immediately after line 30, add the following additional underlined language:

The first member appointed by the Governor occurring after the

effective date of the act amending this section shall be black, and thereafter, black successors shall be appointed to in that position.

On motion of Senator Bolling, said amendment was laid on the table.

Senator Langford offered the following amendment to the Bolling substitute for the Bill, HB 219, as amended by the substitute, as amended, to-wit:

**AMENDMENT TO BOLLING SUBSTITUTE
FOR HB 219, AS AMENDED**

On page 3, immediately after line 30, add the following additional underlined language:

After the effective date of the act amending this Section, each appointee to the board shall be confirmed by the Senate.

On motion of Senator Bolling, said amendment was laid on the table.

Yeas 16 Nays 9

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, deGraffenried, Denton, Dixon, Ellis, Hale, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -16

Nays:

Senators:

Bailey, Campbell, Corbett, Escott-Russell, Floyd, Ghee, Horn, Langford, and Sanders - 9

And said Bolling substitute was then adopted.

Yeas 19 Nays 5

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Mitchell, Owens, Smith (B), Smith (J), Waggoner, and Windom -19

Nays:

Senators:

Corbett, Escott-Russell, Horn, Langford, and Sanders - 5

And said Bill, HB 219, as amended by the substitute, was read a third time at length and passed.

Yeas 21 Nays 4

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Mitchell, Owens, Smith (B), Smith (J), Waggoner, and Windom -21

Nays:

Senators:

Escott-Russell, Horn, Langford, and Sanders

- 4

SUNSET LAW SUSPENDED

Senator Smith (B) requested and received unanimous consent to suspend the provisions of the Sunset Law (3/5 vote) in order to receive the following Message from the House, to-wit:

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 215. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Veterinary Medical Examiners with certain modifications; to amend Section 34-29-69, Code of Alabama 1975, so as to authorize the board to regulate by rule and regulation the advertising or solicitation of veterinary services by its licensees.

Also:

H. 581. To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County to remove certain property from the corporate limits of the city.

Also:

H. 217. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry with certain modifications; to amend Sections 34-24-250 and 34-24-252, Code of Alabama 1975, so as to require one black member on the board and authorize the board to hire an executive secretary.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate,

after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

SUNSET LAW SUSPENDED

Senator Hale requested and received unanimous consent to suspend the provisions of the Sunset Law (3/5 vote) in order to allow the Standing Committee on Rules to report out of order.

REPORT FROM RULES

Senator Hale, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

HJR 230. ENCOURAGING THE UNITED STATES DEPARTMENT OF DEFENSE TO CONSOLIDATE ALL HELICOPTER TRAINING TO FORT RUCKER ARMY BASE.

And on motion of Senator Hale, said Resolution, HJR 230, was concurred in and adopted by the Senate.

Senator Hale, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

SJR 71. ENDORSING THE "CANINE GOOD CITIZEN" PROGRAM.

WHEREAS, dogs play an important role in the lives of many Alabama citizens by serving as companions and assistance animals; and

WHEREAS, it is recognized that the "bad dog" problem is most often an irresponsible owner problem; and

WHEREAS, responsible pet ownership is encouraged in this state and responsible owners should properly confine and provide adequate training for their dogs; and

WHEREAS, "Canine Good Citizen" programs identify and officially recognize those dogs who behave as members in good standing with the community; and

WHEREAS, the "Canine Good Citizen" concept was developed to

teach pet owners that dogs should exhibit functional, "good citizen" behaviors in the presence of people and other animals, in both the home and the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we endorse "Canine Good Citizen" programs as a means of teaching owners responsible pet ownership, and as a means of teaching dogs canine good citizen behaviors for the community.

BE IT FURTHER RESOLVED, That the Legislature of Alabama encourages dog training programs and kennel clubs to provide training and education for community pet owners that emphasize the importance of properly confining and controlling dogs and providing training which results in "Canine Good Citizens."

And on motion of Senator Hale, said Resolution, SJR 71, was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 212, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Langford, Little, Mitchell, Owens, Sanders, Smith (B), Waggoner, and Windom

-23

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 212. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-8, 34-9-16, 34-9-43, 34-9-63, and 34-9-64, Code of Alabama 1975, so as to increase certain fees related to dentistry and dental hygiene; clarify the process of issuing dental teaching permits; require the board to publish a list of licensees at certain times; and provide for the issuance of permits for the practice of parenteral sedation.

was taken up.

The Standing Committee on Economic Affairs reported the following substitute for the Bill, HB 212, to-wit:

SUBSTITUTE FOR HB 212

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-8, 34-9-15, 34-9-16, 34-9-27, 34-9-40, 34-9-43, 34-9-63, and 34-9-64, Code of Alabama 1975, so as to increase certain fees related to dentistry and dental hygiene; clarify the process of issuing dental teaching permits; authorize use of the title registered dental hygienist; express intent that the board include a black member; require the board to publish a list of licensees at certain times; and provide for the issuance of permits for the practice of parenteral sedation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Board of Dental Examiners, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Board of Dental Examiners, created and functioning pursuant to Sections 34-9-40 to 34-9-65, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-9-8, 34-9-15, 34-9-16, 34-9-27, 34-9-40, 34-9-43, 34-9-63, and 34-9-64 of the Code of Alabama 1975, are amended to read as follows:

"§34-9-8.

"The board shall annually issue teaching permits to persons who are bona fide members of the faculty of a dental college, if they hold a dental degree ~~where such persons~~ but are not licensed and registered to practice dentistry or dental hygiene ~~in this the state~~. The dean of a any dental college located in ~~this the state~~ shall ~~be required to~~ annually certify to the board the bona fide members of the ~~school's~~ clinical faculty of the college who are not licensed and registered to practice dentistry or dental hygiene in the state, ~~and shall be required to promptly notify the board of any change in personnel on the clinical faculty~~. The board shall ~~be required to~~ issue teaching permits to applicants upon the

~~certification of by the dean, of a dental college located in this state setting forth that such applicant is a bona fide member of the clinical faculty of such college. Such teaching permit shall be issued annually to those members of the school's faculty who are annually certified as individuals who are not licensed and registered to practice dentistry or dental hygiene in this state. Such~~ The teaching permits shall be invalid as soon as if the holder thereof ceases to be a member of the clinical faculty of such the dental college. The dean of any dental college shall promptly notify the board regarding changes in the faculty which affect the eligibility of a faculty member to possess a teaching permit. The holder of a teaching permit shall be subject to all provisions of this chapter regulating the practice of dentistry and dental hygiene in this state and shall be entitled to may perform all clinical operations which a person licensed to practice dentistry or dental hygiene in this the state would be is entitled to perform, but only The operations may only be performed within the facilities of the dental college and as an adjunct to his or her teaching functions in such the college. An annual fee of not less than \$5.00 nor more than \$50.00 established pursuant to this chapter shall be paid to the board on when the issuance of a teaching permit is issued.

"§34-9-15.

"(a) No person shall practice dentistry in the state of Alabama unless licensed by the board and registered annually as required by this chapter. The secretary-treasurer of the board shall mail to each such licensee an initial registration form which shall contain space for the insertion of his name, address, date, and number of his license certificate, and such other information as the board shall deem necessary. The licensee shall sign and verify the accuracy of his the registration before a notary public after which he or she shall forward said the registration to the secretary-treasurer of the board together with a fee established by the board, said fee not to be less than \$10.00 nor more than \$50.00 pursuant to this chapter. Each subsequent registration shall be made upon the form as above prescribed except that it need not be verified. On or before October 1 of each year, every dentist licensed to practice dentistry in the state shall transmit to the secretary-treasurer of the board the completed form prescribed by the board, together with a fee established by the board, said fee not to be less than \$10.00 nor more than \$50.00 pursuant to this chapter, and receive therefor the current annual registration certificate authorizing him or her to continue the practice of dentistry in the state for a period of one year. Any license and license certificate previously granted under the authority of this chapter or any prior dental practice act shall automatically be suspended if the holder thereof fails to secure the annual registration certificate herein provided for before January 1, each year. Any dentist whose license shall be is automatically suspended by reason of failure, neglect, or refusal to secure the annual registration certificate shall be

reinstated by the board upon payment of the penalty fee of \$25.00 plus all accrued annual registration fees up to a maximum of five years, accompanied with the prescribed form for annual registration of such the license. Upon failure of any licensee to file application for the annual registration certificate and pay the annual registration fee on or before November 30, each year, the board shall notify such the licensee by registered or certified mail addressed to his the last address of record that such the application and fee have not been received and that, unless such the application and fee are received on or before the first day of January, his the license and license certificate shall be automatically suspended. The board shall notify such the licensee by registered or certified mail addressed to his the last address of record of the effective date of his the automatic suspension and the provisions for registration of such the license. The board shall waive the annual payment of fees herein provided for and issue a current annual registration certificate to any licensee who, because of age or physical disability, has retired from the practice of dentistry or who is suffering a malady of a lingering or permanent nature. The board by rule shall waive annual registration and the payment of fees while any licensee is on temporary active duty with any of the armed forces of the United States. The waiver of fees herein provided shall be effective so long as said retirement because of age or physical disability or temporary active duty continues.

"(b) The board shall adopt, promulgate rules and regulations for the adoption of a program of continuing education for its licensees by October 1, 1991. After said that date, the successful completion of said continuing education program requirements shall be a requisite for renewal of licenses issued pursuant to this chapter.

"§34-9-16.

"The board shall collect fees provided for in this chapter as follows:

"Examination fee for dental applicants, to be fixed by the board \$25.00 to \$200.00

"Examination fee for dental applicants under reciprocal agreements \$50.00 to \$100.00

"Examination and training permit fee for dental hygienists \$20.00 to \$180.00

"Education fee for student hygienists in Alabama dental hygiene program \$75.00 to \$200.00

"License certificate fee \$20.00

"Duplicate license certificate fee \$20.00

"Annual registration certificate fee \$10.00
to ~~\$50.00~~\$100

"Duplicate annual registration certificate fee \$1.00

"Teaching permit \$5.00 up to \$50.00 \$150

"§34-9-27.

"A dental hygienist shall work only under the direct supervision of a duly licensed dentist practicing in this state. Dental hygienists may take, develop and mount oral X-rays; remove calcareous deposits, accretions or stains from the teeth, perform any intra-oral procedures allowed by rule or regulation of the board of dental examiners of Alabama and assist a licensed dentist in his or her practice. Any person licensed by the board under this section who has completed the curriculum for dental hygienists at a dental school approved by the board shall have the right to use the title registered dental hygienist or the abbreviations thereof, "R.D.H." appended to his or her name signifying the ~~certificate~~ license conferred. The board may impose any of the penalties outlined in section 34-9-18 against any dentist who shall permit any dental hygienist working under his or her supervision to perform any operation other than those permitted under the provisions of this section, and may impose the penalties outlined in said section 34-9-18 against any dental hygienist who shall perform any operation other than those permitted under this section.

"§34-9-40.

"In order to accomplish the purposes and to provide for the enforcement of this chapter, there is hereby created the board of dental examiners of Alabama. The board is hereby vested with the authority to carry out the purposes and enforce the provisions of this chapter. On June 24, 1959, the members of the present board of dental examiners now in existence shall hold office for the remainder of their respective terms for which they have been elected and thereafter until their successors are elected and qualified and shall constitute the board of dental examiners of Alabama under this chapter. The board of dental examiners of Alabama shall consist of five dentists who shall have been actively engaged in the practice of dentistry in the state of Alabama for at least five years next preceding the date of their election. No member of the board shall be a member of the faculty of any dental school or dental college or receive any financial benefits for teaching in any dental school or dental college or have a financial interest in a commercial dental laboratory or a dental supply business. All elections shall be conducted by the board. Any group of 10 or more licensed dentists, residing and practicing dentistry in the state of Alabama, may nominate a candidate for the office of board of dental examiner by submitting a petition

bearing their signatures to the secretary of the board not later than the first day of July in the year of such election. The board shall cause the election ballots to be mailed not later than September 1 in the year of the election to all the licensed dentists residing and practicing in the state of Alabama and currently registered as prescribed by law, along with the annual registration form for the forthcoming fiscal year. Both annual registration form and ballot shall be returned to the secretary of the board on or before October 1 each year, ballots being nullified unless accompanied by completed annual registration form and annual registration fee. Three members of the board shall be present at the canvassing of the ballots. Any candidate receiving a majority of the votes shall be declared elected to the board of dental examiners of Alabama and will take the oath of office on or before October 15 in the year of his or her election. In the event no candidate receives a majority of the votes cast, the board shall conduct a run-off election between the two candidates receiving the largest number of votes. The board shall cause the ballots pertaining to the run-off election to be mailed on or before October 15 of the election year to all the licensed dentists residing and practicing in the state of Alabama and currently registered as prescribed by law, and the ballots pertaining to the run-off election shall be received by the secretary of the board on or before the first day of November in the year of such run-off election. Each member so elected shall hold office for a period of five years, which terms shall begin immediately upon taking an oath to properly and faithfully discharge the duties of his or her office and until his or her successor is elected and qualified, and said member so elected shall not at the expiration of the said term be eligible to succeed himself or herself. It is the intent of the legislature that one (1) member of the board shall be black. Vacancies on the board shall be filled by the board by the appointment of the immediate past member of the board, and if for any reason the immediate past member of the board is unable to accept such appointment, then the board shall fill the vacancy by a unanimous vote of the other board members by the appointment of some other past member of the board. Members of the board shall be removed by a two-thirds vote of the registered dentists in the state for neglect of duty or any just cause, by petition to the secretary of the board by 10 percent of the licensed dentists in the state of Alabama. On or before July 1, 1962, the board shall send a copy of this section to all licensed dentists in the state of Alabama.

"§34-9-43.

"The board shall exercise, subject to ~~the provisions of~~ this chapter, the following powers and duties:

"(1) Adopt ~~such~~ rules for its government as ~~it may deem~~ deemed necessary and proper;_

"(2) Prescribe rules for qualification and licensing of dentists and dental hygienists;_

"(3) Conduct examinations to ascertain the qualification and fitness of applicants for licenses as dentists and dental hygienists;.

"(4) Make rules and regulations regarding sanitation;.

"(5) Formulate rules and regulations by which dental schools and colleges ~~shall be~~ are approved, and formulate rules and regulations by which training, educational, technical, vocational, or any other institution which provides instruction for dental assistants, dental laboratory technicians, or any other paradental ~~shall be~~ are approved;.

"(6) Grant licenses, issue license certificates, ~~teacher's~~ teaching permits, and annual registration certificates in conformity with this chapter to such qualified dentists and dental hygienists;.

"(7) Conduct hearings or proceedings to impose the penalties outlined specified in section Section 34-9-18;.

"(8) a. ~~Employ such necessary persons as it may deem necessary~~ to assist in ~~carrying out~~ performing its duties in the administration and enforcement of this chapter, and to provide offices, furniture, fixtures, supplies, printing, or secretarial service; to these persons and expend such necessary funds as may be deemed necessary therefor, and employ.

"b. Employ an attorney or attorneys, subject to the approval of the attorney general, to advise and assist in the carrying out and enforcing of the provisions of this chapter;.

"(9) a. ~~Investigate alleged violations of the this chapter that may come to the knowledge of the board, and institute or cause to be have~~ instituted before the board or in a the proper court appropriate proceedings in connection therewith, regarding the violation.

"b. ~~Authorize certain persons, who are investigators, to exercise the powers of peace officers in investigating violations of the drug or controlled substances laws in its profession or related occupations, including the powers of arrest and inspection of documents; provided, however, each such person shall first comply with the provisions of the Peace Officers' Minimum Standards and Training Act and shall not be eligible for or receive any subsistence allowances; Authorize and employ investigators who comply with the Peace Officers' Minimum Standards and Training Act to exercise the powers of a peace officer in investigating alleged violations of the drug or controlled substances laws by persons licensed pursuant to this chapter, including the powers of arrest and inspection of documents. These investigators shall not be paid a subsistence allowance by the board.~~

"(10) Adopt rules and regulations to ~~carry out and make effective the provisions of~~ implement this chapter.

"(11) Publish annually the rules and regulations promulgated by the board, a copy of the Dental Practice Act; and to publish at least every two years a list of all persons licensed to practice under this chapter, and.

"(12) Attend ~~such~~ meetings, seminars, work shops, or events that may ~~in any way~~ improve the function and efficiency of the board or improve the ~~board's~~ ability of the board to enforce and ~~carry out the provisions of~~ administer this chapter."

"§34-9-63.

"The issuance of a permit for general anesthesia shall include the ~~privileges~~ privilege of administering ~~intravenous~~ parenteral sedation in accordance with ~~the provisions of~~ this section. The issuance of a permit for parenteral sedation shall include the privilege of administering intravenous sedation. All current intravenous sedation permit holders are entitled to a parenteral sedation permit subject to the renewal and regulatory provisions afforded to the board of dental examiners by this chapter. The term parenteral sedation shall not include the use or regulation of nitrous oxide.

"(1) ~~Twelve months after May 29, 1985, After August 1, 1993,~~ no dentist shall use ~~intravenous~~ parenteral sedation on an outpatient basis for dental patients unless ~~such the~~ dentist possesses a permit of authorization issued by the board ~~of dental examiners as hereinafter provided~~. The dentist applying for or holding ~~such the~~ permit shall be subject to on-site inspections as ~~set forth~~ provided in paragraph b. of subdivision (2) of section 34-9-60.

"a. In order to receive ~~such the~~ permit, the dentist ~~must~~ shall:

"1. Apply ~~apply~~ on a prescribed application form to the board.

"2. ~~of dental examiners and submit~~ Submit a fee to be determined by the board of dental examiners not to exceed \$750.00 seven hundred fifty dollars (\$750).

"3. ~~and produce~~ Produce evidence showing that he or she has satisfied each of the following requirements:

"(i) 1. ~~Has received~~ Received formal training in the use of intravenous parenteral sedation from a board approved training program, ~~and is competent to handle all emergencies relating to intravenous parenteral sedation,~~ and is currently certified in cardiopulmonary resuscitation. The certification of the formal training shall specify the total number of hours, ~~as well as~~ the number of didactic hours, and the number of patient contact hours. The required number of didactic hours

~~and the number of patient contact hours shall be determined by the board. This training program must have been approved as acceptable for training in intravenous sedation by the board of dental examiners; and~~

~~"(ii) 2. Has a properly equipped~~ Equipped a proper facility for the administration of intravenous parenteral sedation, staffed with a supervised team of auxiliary personnel, capable of reasonably assisting the dentist with procedures, problems, and emergencies incident thereto to the sedation procedure.

~~"b. Adequacy of the facility and the competency of the sedation team shall be determined by the board of dental examiners.~~

~~"c. Prior to the issuance of such a permit, the board of dental examiners at its discretion, may require an on-site inspection of the facility, equipment, and personnel to determine if, in fact, the aforementioned requirements of this section have been met. This evaluation shall be carried out in the same manner performed as provided in subdivision (2) of this section.~~

~~"(2) Each dentist who is licensed to practice dentistry in the state on May 29, 1985 or after August 1, 1993, who desires to continue to use intravenous parenteral sedation shall make application on the prescribed form to the board of dental examiners within 12 months of May 29, 1985 August 1, 1993. If he or she meets the requirements of this section, or currently holds a valid intravenous sedation permit, he or she shall be issued such a permit subject to all renewal and regulatory requirements of Section 34-9-64. If said the applicant does not meet the requirements of paragraph a. of subdivision (1) of this section, or does not currently hold a valid intravenous sedation permit, he or she may be entitled to an "intravenous a "parenteral sedation permit provided said if the applicant passes, to the satisfaction of the board, an on-site inspection. Said The inspection shall ascertain that the dentist has a properly equipped facility for the administration of intravenous parenteral sedation, staffed with a supervised team of auxiliary personnel capable of reasonably assisting the dentist with incidental procedures, problems, and emergencies incident thereto.~~

~~"The board, in conducting the on-site inspection and evaluations required in this section, shall appoint a team of three examiners who shall be dentists certified to administer intravenous parenteral sedation in accordance with this article.~~

~~"(3) A dentist utilizing intravenous parenteral sedation and his the auxiliary personnel of the dentist shall be currently certified in cardiopulmonary resuscitation.~~

~~"(4) Each dentist who has not been using intravenous parenteral~~

~~sedation prior to May 29, 1985 August 1, 1993, may, pending complete processing of an application and a thorough on-site evaluation, be granted a temporary provisional permit by the board, based on if the applicant's producing applicant produces evidence that he or she has complied with this section pending complete processing of the application and thorough investigation by the on-site evaluation."~~

"§34-9-64.

~~"The board shall, with fee to be determined by the board not to exceed \$750.00, renew the intravenous parenteral sedation permit annually, unless the holder is informed in writing that a reevaluation of his or her credentials and facility is to be required necessary. In determining whether such the reevaluation is necessary, the board shall consider such any factors as it deems pertinent including, but not limited to, patient complaints and reports of adverse occurrences. Such The reevaluation shall be carried out in the manner described performed as provided in paragraph b. of subdivision (2) of section Section 34-9-60. The board shall set the fee to renew a parenteral sedation permit in an amount not to exceed seven hundred fifty dollars (\$750)."~~

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Langford, Little, Mitchell, Owens, Sanders, Smith (B), Waggoner, and Windom

-23

Nays:

- 0

And said Bill, HB 212, as amended by the substitute, was read a third time at length and passed.

Yeas 23 Nays 0

Yeas:**Senators:**

Amari, Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Langford, Little, Mitchell, Owens, Sanders, Smith (B), Waggoner, and Windom -23

Nays:

- 0

MOTION TO RECESS LOST

At 12 o'clock Noon, Senator Hale moved that the Senate take a recess until 1 o'clock P.M., which motion was lost.

Yeas 6 Nays 20**Yeas:****Senators:**

Barron, deGraffenried, Dial, Hale, Little, and Parsons

- 6

Nays:**Senators:**

Bailey, Bedsole, Bolling, Corbett, Denton, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Lipscomb, Mitchell, Sanders, Smith (B), Smith (J), Waggoner, and Windom -20

FURTHER CONSIDERATION OF HB 218

The Senate proceeded to further consideration of the Bill, HB 218.

Senator Corbett offered the following substitute for the Bill, HB 218, to-wit:

SUBSTITUTE FOR HB 218**A BILL
TO BE ENTITLED
AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing with certain modifications; to amend Section 34-21-25, Code of Alabama 1975, so as to establish a voluntary disciplinary alternative program for impaired licensees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Alabama Board of Nursing until October 1, 1994.

Section 2. The existence and functioning of the Alabama Board of Nursing, created and functioning pursuant to Sections 34-21-1 to 34-21-63, inclusive, Code of Alabama 1975, is continued until October 1, 1994, and those code sections are expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -27

Nays:

- 0

And said Bill, HB 218, as amended by the substitute, was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -27

Nays:

- 0

REPORTS OF COMMITTEES RESUMED

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on

the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 566. To provide that advertised notices of foreclosure of real property shall include the street address of the foreclosed property; and to provide that this act is cumulative to any of the notice and recording requirements for instruments.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedsole, Dial, Dixon, Smith (B), Bailey, Owens, Ghee, Bennett, Windom, and Little (With Substitute):

S. 475. Regulating the acceptance of campaign contributions by legislators and certain candidates for certain public offices beginning on a certain date.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. McDowell, Rockhold, Zoghby, Gullatt, Kennedy, and Bugg:

H. 419. To make the willful violation of any provision of a temporary or permanent protection order or restraining order involving domestic relations or family violence issued pursuant to the Protection From Abuse Act, Section 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, and restraining orders or injunctions in which a history of family violence or abuse is cited issued in domestic relations, family violence or juvenile courts in domestic relations or family violence cases, a Class A misdemeanor; to impose additional mandatory minimum penalties; to permit the arresting officer certain arrest powers with probable cause; to provide for an affirmative defense for lack of knowledge and burden of proof; to provide certain immunities; and to provide this act shall be construed in pari materia with Chapter 5 of Title 13A, Code of Alabama 1975, and other pertinent laws, relating to fines, sentences, and unlawful civil and criminal acts.

Senator Parsons, Chairperson of the Standing Committee on J

ciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Amendment):

S. 536. To establish the "Tobacco Use Act of 1993"; to regulate the sale, distribution, and use of tobacco and tobacco products; to provide penalties for violations; and to repeal Section 13A-12-3, Code of Alabama 1975.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 362. Proposing an amendment to the Constitution of Alabama of 1901, relating to Limestone County, prohibiting any municipality in a county contiguous to Limestone County, in which the sale and distribution of alcoholic beverages is authorized by law and whose municipal limits extend into Limestone County from selling or distributing alcoholic beverages in that portion of the municipality located in Limestone County.

The above Bill was read a second time at length as required by the Constitution.

By Senator Windom:

S. 510. To amend Section 40-10-127 of the Code of Alabama 1975, to require additional county officers to issue the certificate of redemption for lands sold for taxes; and removing the requirement that the county treasurer countersign the certificate of redemption for land sold for taxes.

By Senator Waggoner:

S. 395. To authorize incorporated municipalities to annex unincorporated territory which is not classified for ad valorem tax purposes as farm or residential property, and which has been enclosed within the corporate limits of the municipality for five years or more on the effective date of this act; prescribing procedures for the annexation of the unincorporated territory; and prescribing procedures for municipal ad valorem taxation of the annexed territory.

By Senator Sanders:

S. 397. To authorize each county in the state to operate a prison or jail in addition to its regular county jail and to enter into agreements with other governmental entities pursuant to which prisoners from other jurisdictions are transferred to the county prison or jail for incarceration; and to provide that the provisions shall only be implemented in a county if approved by the voters.

By Reps. Smith (R), Ford, and Bugg:

H. 621. Providing that certain weeds and grass growing upon streets, sidewalks, and private property may be declared a public nuisance in a Class 4 municipality which is organized pursuant to Chapter 43B, Title 11, Code of Alabama 1975, establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning the public nuisance, and a procedure for assessing costs of the removal against the property, constitute the same as a lien, and providing for the collection of the assessments and the enforcement of the lien.

By Reps. Smith (R), Ford, and Bugg:

H. 622. Relating to any Class 4 municipalities whose city governing body is organized pursuant to Chapter 43B, Title 11, Code of Alabama 1975; to provide the right of the city to demolish unsafe structures; providing for a determination of the ownership of the real property or structure and notice of hearing, the procedure for holding the hearing before the city governing body, the procedure for appeal to the circuit court, the right of the city to obtain a lien for the cost of demolition, the authority to assess against property sold to the State of Alabama for taxes, and the method of collection of assessments.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Substitute):

S. 496. To amend Sections 11-98-1 and 11-98-5 of the Code of Alabama 1975, as amended by Act No. 92-562, S. 211, 1992 Regular Session, relating to emergency telephone service and communication districts; to provide further for the powers of the creating authority and the levy of an emergency telephone service charge.

Senator Bedsole, Chairperson of the Standing Committee on Agri-

culture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Sanders:

S. 565. To repeal Sections 9-13-40 to 9-13-50, inclusive, Code of Alabama 1975, relating to Auxiliary State Forests.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Barron:

S. 548. To amend Section 41-22-27, Code of Alabama 1975, relating to the Administrative Procedure Act, so as to provide that the Alabama department of environmental management shall fully comply with the provisions of the act.

By Senators Mitchem, Horn, Barron, Langford, and Little:

S. 562. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Sports Festival for the fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

By Senators Denton, Hale, Horn, Waggoner, Amari, Ellis, Bennett, and Lipscomb:

S. 569. To amend Section 38-4-12, Code of Alabama 1975, to further provide for the appropriation of the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors.

ADJOURNMENT

At 12:30 P.M., on motion of Senator Corbett, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, April 6, 1993, at 2 o'clock P.M.

NINETEENTH LEGISLATIVE DAY

TUESDAY, APRIL 6, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Ted Little, Twenty-Seventh Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Anna Banks, Walker High School, Jasper, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-33

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Horn and Langford for today.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 8, 1993, at 10 o'clock A.M., which motion was adopted.

BILL RECONSIDERED

On motion of Senator Corbett, the Senate reconsidered the vote by which the Bill, HB 218, was passed.

On motion of Senator Corbett, the Senate reconsidered the vote by which the Bill, HB 218, was ordered to its third reading.

On motion of Senator Corbett, the Senate reconsidered the vote by which the Corbett substitute for the Bill, HB 218, was adopted.

On motion of Senator Corbett, said substitute was laid on the table.

And said Bill, HB 218, was again read a third time at length and passed.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Lipscomb, Little, Mitchell, Mitchem, Owens, Waggoner, and Windom -23

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

HJR 230. ENCOURAGING THE UNITED STATES DEPART-

**MENT OF DEFENSE TO CONSOLIDATE ALL HELICOPTER
TRAINING TO FORT RUCKER ARMY BASE.**

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 212. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-8, 34-9-15, 34-9-16, 34-9-27, 34-9-40, 34-9-43, 34-9-63, and 34-9-64, Code of Alabama 1975, so as to increase certain fees related to dentistry and dental hygiene; clarify the process of issuing dental teaching permits; authorize use of the title registered dental hygienist; express intent that the board include a black member; require the board to publish a list of licensees at certain times; and provide for the issuance of permits for the practice of parenteral sedation.

GREG PAPPAS,
Clerk.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 578. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain benefits within a spousal estate when the court determines an allowance upon the grant of a divorce.

Committee on Judiciary/Civil

By Senator Denton:

S. 579. To amend Section 8-17-217 of the Code of Alabama 1975, to exclude bottle rockets from the definition of fireworks that may be sold within the State of Alabama, to provide that those devices may be stored by licensed manufacturers, distributors, and wholesalers within the state for sale outside the state.

Committee on Small Business

By Senator Campbell:

S. 580. To provide for an alternative late charge in an amount not exceeding the greater of \$2 or five percent of the scheduled payment, which may be charged and collected in connection with a consumer loan, a consumer credit sale, or a consumer credit lease when the scheduled payment is delinquent or in default more than seven days.

Committee on State Development
and Tourism

By Senator Mitchem:

S. 581. To amend Section 13A-5-40 of the Code of Alabama 1975, relating to crimes punishable as capital offenses so as to further amplify and specify as capital offenses the crimes of murder committed by or through the use of a deadly weapon fired or otherwise used from outside a dwelling while the victim is in a dwelling, murder committed by or through the use of a deadly weapon while the victim is in a vehicle, and murder committed by or through the use of a deadly weapon fired or otherwise used within or from a vehicle; and to include a savings provision relating to proceedings pending and rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act.

Committee on Business
and Labor Relations

By Senator Ellis:

S. 582. To authorize the governing bodies of counties and municipalities within the state to establish intercooperative public corporations for efficient compliance with applicable federal and state laws and rules and regulations relating to water quality improvement in Alabama, specifically the federal Clean Water Act, which govern storm water discharge and the control of pollutants in storm water discharges; to authorize the counties and municipalities to levy and collect taxes, fees, or other charges to fund the storm water operations and projects.

Committee on Energy and
Natural Resources

By Senator Waggoner (With Notice and Proof):

S. 583. To amend Section 10 of Act 80-609, H. 520, 1980 Regular Session (Acts of Alabama 1980, p. 1027), the Jefferson County Bingo Act relating to the permitting of qualified organizations to operate bingo games, to further provide for the amount of prizes.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 583, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Waggoner (With Notice and Proof):

S. 584. To amend Act No. 1272, H. 620 of the 1973 Regular Session (Acts 1973, p. 2124), as amended, relating to the City of Birmingham Retirement and Relief System; providing for the cost-of-living retirement benefits for retired employees, and their designated survivors, of the Jefferson County Board of Health; and providing for benefits to those persons receiving compensation from the system at the date of the passage of this act.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 584, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bennett:

S. 585. To create the Alabama Commission on Education Reform of 1993; to provide for its membership, powers, and duties; to make an appropriation for its expenses; and to provide for its termination.

Committee on Education

By Senator Parsons (With Notice and Proof):

S. 586. To further amend Sections 10 and 15 of Act No. 79, H. 99, Special Session 1966 (Acts 1966, p. 106), an act relating to

Jefferson County providing for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage, and districts for both purposes; to provide for the election of the members of the board of trustees of the districts; and to further provide for elections for the dissolution of districts.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 586, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Parsons (With Notice and Proof):

S. 587. Relating to Jefferson County; providing for an additional expense allowance for the Deputy Treasurer, Bessemer Division.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 587, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Parsons (With Notice and Proof):

S. 588. To further amend Sections 10 and 15 of Act No. 79, H. 99, Special Session 1966 (Acts 1966, p. 106), an act relating to Jefferson County providing for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage, and districts for both purposes; to provide for the election and compensation of the members of the board of trustees of the districts; and to further provide for elections for the dissolution of districts.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 588, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Amari:

S. 589. To amend Section 25-4-78, Code of Alabama 1975,

relating to disqualifications for unemployment compensation benefits so as to remove lockout from the disqualifications.

Committee on Judiciary/Civil

By Senator Barron (With Notice and Proof):

S. 590. Relating to DeKalb County; providing for an additional expense allowance and salary for the sheriff.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 590, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Sanders (With Notice and Proof):

S. 591. Relating to Greene County, authorizing the county commission to levy an additional ad valorem tax in said county to be used for certain purposes and providing for a referendum.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 591, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Sanders (With Notice and Proof):

S. 592. Relating to Greene County; to amend Section 17 of Act No. 376, H. 1040, 1975 Regular Session, as amended, to provide further for the distribution of funds received from the Greene County Racing Commission.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 592, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bailey:

S. 593. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to the requirement that written educational policies of county and city boards of education be filed with the State Superintendent of Education.

Committee on Public Welfare

By Senator Ghee (With Notice and Proof):

S. 594. Relating to Calhoun County; providing that the Calhoun County Economic Development Council may contract with the United States of America, the State of Alabama, other county governments; and other councils or committees, local or otherwise, which are set up for economic and business development, for the purpose of promotion of regional industrial development.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 594, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Ghee (With Notice and Proof):

S. 595. To allow the District Attorney for the Seventh Judicial Circuit to initiate and conduct a Pretrial Diversionary Program within the circuit for first offenders who are charged or may be charged with certain offenses, and to permit the District Attorney to bring legal proceedings against diversion applicants or other criminal defendants on behalf of victims of crime.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 595, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Ghee (With Notice and Proof):

S. 596. Relating to Calhoun County; to abolish the office of constable provided for in each election precinct.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 596, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hale:

S. 597. To amend Section 11-50-393 of the Code of Alabama 1975, relating to the formation of a gas district by two or more municipalities, to further provide for the directors' fees of the chair and members of the board of directors of the district.

Select Committee on
Fiscal Responsibility

By Senators Sanders and Lindsey (With Notice and Proof):

S. 598. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 598, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Wilson (With Notice and Proof):

S. 599. Relating to Walker County; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person released pursuant to this act who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons released of a portion of their gross earnings and for the utilization of the funds derived therefrom; to provide for the Walker County Court Services Fund; to set standards for judicial officers in the county for the pretrial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to create a body to be known as the Walker County Court Services Commission; to provide for the membership of the commission and for its power and duties; to provide for the transfer of certain funds that may be held for the account of certain pretrial release and work

release programs in Walker County; and to repeal conflicting laws.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 599, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Wilson (With Notice and Proof):

S. 600. Relating to the Fourteenth Judicial Circuit of Alabama and the establishment of a pretrial intervention program by the District Attorney of the Fourteenth Judicial Circuit.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 600, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Wilson:

S. 601. To amend Section 11-88-6 of the Code of Alabama 1975, to change the maximum compensation of directors of certain authorities and provide a new method for fixing the compensation for directors of certain authorities, based on the number of customers billed; and to provide for ratification of past action in fixing compensation.

Committee on Finance
and Taxation

By Senator Wilson:

S. 602. To establish the Alabama Employers Workers' Compensation Insurance Authority to provide a plan for workers' compensation insurance in Alabama; and to authorize the implementation of the Alabama Employers Workers' Compensation Trust.

Committee on Banking
and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 212. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-8, 34-9-15, 34-9-16, 34-9-27, 34-9-40, 34-9-43, 34-9-63, and 34-9-64, Code of Alabama 1975, so as to increase certain fees related to dentistry and dental hygiene; clarify the process of issuing dental teaching permits; authorize use of the title registered dental hygienist; express intent that the board include a black member; require the board to publish a list of licensees at certain times; and provide for the issuance of permits for the practice of parenteral sedation.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 39. COMMENDING WORLD CHAMPION BARBECUE CHEF CARL SHEWBART OF HAMILTON AND RECOGNIZING HIM AS ALABAMA'S OFFICIAL BARBECUE CHEF.

Also:

SJR 40. MOURNING THE DEATH OF L. C. PRESLEY OF GADSDEN, ALABAMA.

Also:

SJR 42. COMMENDING MYRA L. WALLACE OF FLORENCE, ALABAMA, ON THE OCCASION OF HER RETIREMENT.

Also:

SJR 43. COMMENDING MARILYN MILLER MORTON OF VESTAVIA HILLS FOR DISTINGUISHED ACHIEVEMENT.

Also:

SJR 60. RECOGNIZING JULY 13, 1993, AS THE 25TH ANNIVERSARY OF GOODWILL INDUSTRIES OF CENTRAL ALABAMA, INC.

Also:

SJR 61. COMMENDING RICHARD ASHLEY THIGPEN FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA, 1970-1992.

Also:

SJR 62. RELATING TO ART EDUCATION AND DESIGNATING ARTS EDUCATION AWARENESS MONTH.

Also:

SJR 63. MOURNING THE DEATH OF OCIE COOK OF ARAB, ALABAMA.

Also:

SJR 65. COMMENDING WALTER HOVELL OF MOBILE, ALABAMA.

Also:

SJR 66. COMMENDING JOHN D. CRAWFORD, FORMER ASSISTANT SECRETARY OF THE SENATE.

Also:

SJR 75. RELATIVE TO MEETING DAYS.

GREG PAPPAS,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., SB 94, adopted.

Ycas 24 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Waggoner, and Windom -24

Nays:

- 0

FURTHER CONSIDERATION OF SB 94

The Senate proceeded to further consideration of the Bill:

S. 94. To amend Section 16-28-12 of the Code of Alabama 1975, relating to the responsibility of a parent, guardian, or person in charge of a child to ensure that the child enrolls and attends school and conducts himself or herself properly as a pupil; to require principals and superintendents to report suspected violations to the district attorney, to provide criminal penalties for failure to report, and to require district attorneys to vigorously enforce the law; to require local boards of education to establish programs to inform parents of school children of their education-related responsibilities to their children.

having been postponed on the Fifteenth Legislative Day was taken up.

Senator deGraffenried offered the following substitute for the Bill, SB 94, to-wit:

SUBSTITUTE FOR SB 94

A BILL TO BE ENTITLED AN ACT

To amend Section 16-28-12 of the Code of Alabama 1975, relating to the responsibility of a parent, guardian, or person in charge of a child to ensure that the child enrolls and attends school and conducts himself or herself properly as a pupil; to require principals and superintendents to report suspected violations to the district attorney, to provide criminal penalties for failure to report, and to require district attorneys to vigorously enforce the law; to require local boards of education to establish programs to inform parents of school children of their education-related responsibilities to their children.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-28-12 of the Code of Alabama 1975, is amended to read as follows:

"§16-28-12.

"(a) Each parent, guardian, or other person having control or ~~charge~~ custody of any child required to attend school or ~~be regularly instructed~~ receive regular instruction by a private tutor who fails to have ~~such~~ the child enrolled in school or who fails to send ~~such~~ the child to school, or have him or her instructed by a private tutor during the time ~~such~~ the child is required to attend a public school, private school, denominational school, or parochial school or be instructed by a private tutor, or fails to require ~~such~~ the child to regularly attend ~~such~~ the school or tutor, or fails to compel ~~such~~ the child to properly conduct himself or herself as a pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$100.00 one hundred dollars (\$100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the school he or she attends or should attend, or of the tutor who instructs or should instruct ~~such~~ the child, shall be prima facie evidence of the violation of this section.

"(b) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education shall report such suspected violations to the district attorney. Any principal or superintendent of education intentionally failing to report such a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school."

Section 2. (a) Local boards of education, pursuant to guidelines established by the State Board of Education, shall establish educational programs to inform parents of school children of their education-related responsibilities to their children. The programs shall include, but shall not be limited to, coverage of each of the following topics:

(1) The criminal liability and criminal sanctions parents may be subject to under Section 16-28-12 of the Code of Alabama 1975, for failing to compel their child to properly conduct himself or herself as a pupil, or for failing to ensure that their child attends school or enrolls in school.

(2) The necessity for a parent to monitor and supervise the school work and educational activities of the child.

(3) An explanation of the responsibilities of teachers and the

school system to a child, and an enumeration of those matters that are strictly the responsibility of the parent.

(4) Techniques and suggestions to enable a parent to best supervise the school work and educational activities of the child.

(5) An explanation of the interrelationship of the family life of a child and the educational achievement of the child.

(b) The State Board of Education and local boards of education shall develop strategies to ensure that parents of school children receive this information. These strategies may include provisions for weekend meetings, one-to-one conferences, telephone communications, and neighborhood meetings.

(c) Local district attorneys and law enforcement officials shall, at the request of the local board of education, assist in the implementation and operation of this section.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Waggoner, and Windom -24

Nays:

- 0

And said Bill, SB 94, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures,

Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -30

Nays: - 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 46. COMMENDING MISS KRISTIN YENCER OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

SJR 48. COMMENDING LANCE TUCKER OF FAYETTE, ALABAMA.

Also:

SJR 49. COMMENDING JANE MCWHORTER, ALABAMA'S 1993 MERIT MOTHER OF THE YEAR.

Also:

SJR 50. MOURNING THE DEATH OF TYRE C. WEAVER, JR., OF MOBILE, ALABAMA.

Also:

SJR 52. RECOGNIZING THE CONTRIBUTION TO EDUCATION IN ALABAMA AND THE HISTORY OF ALABAMA MADE BY CONSTITUTION VILLAGE OF HUNTSVILLE, ALABAMA.

Also:

SJR 56. NAMING THE PORTION OF U. S. HIGHWAY 78 WITHIN THE CITY OF ADAMSVILLE "VETERANS MEMORIAL DRIVE."

Also:

SJR 57. COMMENDING R. D. "DOUG" FREEMAN ON THE OCCASION OF HIS RETIREMENT.

Also:

SJR 58. MOURNING THE DEATH OF JAMES THOMAS "JABO" WAGGONER, SR.

Also:

SJR 68. RECOGNIZING JUNE 7 TO 11, 1993, AS MANAGEMENT WEEK IN ALABAMA.

Also:

SJR 69. RECOGNIZING THE CONTRIBUTION TO EDUCATION IN ALABAMA AND THE HISTORY OF ALABAMA MADE BY CONSTITUTION VILLAGE OF HUNTSVILLE, ALABAMA.

Also:

SJR 73. COMMENDING THE BRANTLEY HIGH SCHOOL BULLDOGS AS THE 1993 STATE CLASS 1A BASKETBALL CHAMPIONS.

Also:

SJR 74. OFFICIALLY DESIGNATING KATHERINE SMYTHE OF MEMPHIS, TENNESSEE, AS "MISS KATHERINE" IN THE STATE OF ALABAMA.

Also:

SJR 71. ENDORSING THE "CANINE GOOD CITIZEN" PROGRAM.

GREG PAPPAS,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., SB 95, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), and Windom -27

Nays:

- 0

FURTHER CONSIDERATION OF SB 95

The Senate proceeded to further consideration of the Bill:

S. 95. Requiring the Alabama Commission on Higher Educa-

tion to establish a statewide steering committee to improve participation in two-year and four-year postsecondary education and prescribing the duties of the committee; requiring the commission to enter into a contract to establish a center to provide communications regarding postsecondary education; and permitting the commission to seek supplemental funding.

having been postponed on the Fifteenth Legislative Day was taken up.

Senator Corbett offered the following amendment to the Bill, SB 95, to-wit:

AMENDMENT TO SB 95

Amend Senate Bill No. 95 Page 3 Line 12, as follows:

after subsection (8)

add a new subsection (a) to read as follows

"(a) The Alabama AFL-CIO."

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Lindsey, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom -27

Nays:

- 0

And said Bill, SB 95, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., SB 96, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -28

Nays:

- 0

FURTHER CONSIDERATION OF SB 96

The Senate proceeded to further consideration of the Bill:

S. 96. To amend Section 9 of Act No. 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.3, Code of Alabama 1975, to require certain 10th grade students to enter a vocational or technical curriculum, unless the parent or guardian objects; and to provide for the competency measurement level of the Alabama High School Graduation Exam.

having been postponed on the Fifteenth Legislative Day, was taken up.

And said Bill, SB 96, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., SB 97, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

FURTHER CONSIDERATION OF SB 97

The Senate proceeded to further consideration of the Bill:

S. 97. To require local boards of education to provide to certain students instruction in parental responsibility, the importance of an education, and how to study.

having been postponed on the Fifteenth Legislative Day, was taken up.

Senator deGraffenried offered the following amendment to the Bill, SB 97, to-wit:

AMENDMENT TO SB 97

On page 2, line 12, delete the following language:

The instructional program

On page 2, delete lines 13 to 21, inclusive, in their entirety.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

And said Bill, SB 97, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., SB 98, adopted.

Yeas 25 Nays 0

Yeas:**Senators:**

Amari, Bailey, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom

-25

Nays:

- 0

FURTHER CONSIDERATION OF SB 98

The Senate proceeded to further consideration of the Bill:

S. 98. To amend Section 8 of Act 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.2, Code of Alabama 1975, to require local boards of education to establish voluntary tutorial programs.

having been postponed on the Fifteenth Legislative Day, was taken up.

And said Bill, SB 98, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:**Senators:**

Amari, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, and Windom

-26

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., SB 426, adopted.

Yeas 25 Nays 1

Yeas:**Senators:**

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hill, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom

-25

Nay: Senator Corbett

- 1

FURTHER CONSIDERATION OF SB 426

The Senate proceeded to further consideration of the Bill:

S. 426. To provide for school attendance standards and the

operation of motor vehicles by certain persons; and to provide a prospective effective date.

having been postponed on the Fifteenth Legislative Day, was taken up.

Senator deGraffenried offered the following amendment to the Bill, SB 426, to-wit:

AMENDMENT TO SB 426

On page 2, line 10, after the word "Title", delete the number "15" and in lieu thereof insert the number:

16

Which was adopted.

Yeas 25 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hill, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -25

Nay: Senator Corbett

- 1

On motion of Senator deGraffenried, the Rules were suspended and further consideration of the Bill, SB 426, as amended, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Ellis requested and received permission to suspend the Rules in order to bring up the Bill, SB 563.

Senator Ellis, B.I.R., SB 563, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 563. Relating to Shelby County; authorizing the county

commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act; and providing for a termination date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Denton, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, and Windom -25

Nays:

- 0

RESOLUTIONS

Senator Corbett offered the following Senate Joint Resolution, to-wit:

SJR 76. COMMENDING COACH DOUG KEY AND THE CHATTAHOOCHEE VALLEY STATE COMMUNITY COLLEGE BASKETBALL TEAM ON ITS CHAMPIONSHIP SEASON.

WHEREAS, the Chattahoochee Valley State Community College basketball team completed the 1992-1993 regular season with a record of 27 wins and no losses; and

WHEREAS, the Chattahoochee Valley State Community College basketball team had a record of 29 consecutive wins which is the record in this state before losing their final game in the state tournament; and

WHEREAS, under the brilliant leadership and direction of Head Coach Doug Key and Assistant Coaches Rick Shepler and Kash Beauchamp, team members Pat Armour, Tommie Spearman, Bland Morris, Eric Norris, Steven Woodsen, Donald Burks, Mannon Zellner, Jarvis Zellner, Marcus Watkins, Rod Richardson, Brian Corie, Lorenza Pharrams, and Chris Collins finished with an undefeated regular season; and

WHEREAS, the Chattahoochee Valley State Community College basketball team was ably assisted by managers Charles Woody and Ricardo Henderson and score keeper, Angel Price; and

WHEREAS, Pat Armour was named most valuable player Central

Division, All State Tournament most valuable player, and to the All Region Team and Tommie Spearman was named to the All Central Division Team, All State Tournament Team, and the All Region Team, and Coach Doug Key was named Coach of the Year, Central Division; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the coaches and team members on their victorious season and do further direct that copies of this resolution be presented to Chattahoochee Valley State Community College President Bob Boothe and Coach Doug Key for appropriate display.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dial offered the following Senate Joint Resolution, to-wit:

SJR 77. CONGRATULATING THE CHEROKEE COUNTY HIGH SCHOOL LADY WARRIORS ON THE 1993 STATE CLASS 4A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama herein pays tribute to the Lady Warriors from Cherokee County High School who, in a repeat of last year's performance, captured the Class 4A Basketball Championship--their second State Title in a row; and

WHEREAS, the Lady Warriors, who were the first team to win back-to-back championships since the formation of classification 4A, ended the season with a fantastic 28-2 overall record, including tournament victories over Muscle Shoals, Clarke County and, in the finals, a 66-58 defeat of #1-ranked Buckhorn High; and

WHEREAS, the season accomplishments of the Lady Warriors from Centre were achieved under Head Coach Jana McGinnis in her first year at Cherokee County High, after serving as a graduate assistant coach for Jacksonville State University (JSU) where she played basketball four years, along with her twin sister, Dana, and was named All Gulf South Conference, broke JSU and GSC assist and steal records, and had her jersey retired; and

WHEREAS, the Champion Lady Warriors are Leah Monteith, who was a Co-Captain, All-County, All-Area, All-State and also MVP of the 4A State Tournament and Cherokee County MVP; Kim Rodgers, a Co-Captain, All-Area, All-County and All-State; and Saconda Perry, All-County, All-Area and All-State; along with their talented teammates Stacey Ware, Kelly Rains, Tracy Clifton, twins Lana and Leah Highfield, twins Theresa and Malinda Wood, Missy Turner, Kacy

James, Jonna Miller, twins Heather and Hennae Moon, and Leigh Glass; and

WHEREAS, providing encouragement to the team, students and other fans were cheerleaders Kathryn Yarbrough, Kelly Coffey, Amy Hill, Kara Sayre, Mandi Stinson, Lana Highfield, Selena Roberts, Joanna Bazemore, Holly Hill, Clorice Stubbs, Leah Highfield and Kacy James; and

WHEREAS, we further note with praise that two of the senior members have received full scholarships, one-third of the players have maintained a 90 or above GPA, all players are members of the Fellowship of Christian Athletes, there are three sets of twins on the team, and Coach McGinnis is a twin also; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as back-to-back State 4A Basketball Champions (1992 and 1993), we hereby most highly commend Coach Jana McGinnis and the Lady Warriors of Cherokee County High School, and do further direct that copies of this resolution be prepared for appropriate presentation and school display.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dial then offered the following Senate Joint Resolution, to-wit:

SJR 78. COMMEMORATING THE LIFE AND SERVICE OF THE LATE ROY KNAPP OF CENTRE, ALABAMA.

WHEREAS, the late Roy Knapp of Centre, Alabama, died January 24, 1992, at the age of 77 years, leaving an unfathomable void in the life of the community, but a legacy that is deeply treasured by all those whose lives he touched; and

WHEREAS, Roy Knapp, a high school football coach with a career record of 257-91-5 during his 42 years in coaching, impacted greatly upon the futures of countless youths, to whom he was counselor, mentor and friend; and

WHEREAS, Coach Knapp's sports career began in the early 1930's, playing summer baseball in various towns in Alabama, Mississippi, Florida, North Carolina, and also in Ware Shoals, South Carolina, where he met Janie Lou Holcombe whom he married in 1944; and

WHEREAS, it was in high school coaching, however, that Coach

Knapp's positive influence changed so many young lives for the better by instilling in his players and students such sterling attributes as sportsmanship, commitment, fair play, determination, spirit, and also the importance of bouncing back from defeat and learning from the experience; and

WHEREAS, among those whose lives were most deeply affected by Coach Knapp was his son, Buddy, who is now in his 23rd year as Head Football Coach, Boys Basketball Coach and Athletic Director at Mount Zion High School in Mount Zion, Georgia; theirs was a close relationship as, together, they became Christians and were baptized some forty years ago, served together on the same faculty and coaching staff from 1967-69, and enjoyed a coach-player relationship when Buddy was a student at Gaylesville High School; and

WHEREAS, Coach Roy Knapp was indeed an extraordinary man whose death is yet mourned by his family, many friends, former students, and the entire community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commemorate the life and service of the late Coach Roy Knapp of Centre, Alabama, and do further direct that copies of this resolution be provided for his beloved wife and son, and for his grandsons, Brady Keith and Brian Scott Knapp, that they may know we sincerely share the sorrow of their great and grievous loss.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Hale and Dial offered the following Senate Joint Resolution, to-wit:

SJR 79. COMMENDING DELTACOM FOR ITS CONTRIBUTIONS TO PUBLIC EDUCATION.

WHEREAS, DeltaCom, the largest Alabama-owned and operated long-distance telephone company, is admirably and generously assisting public education in our state; and

WHEREAS, locally-based DeltaCom has created LessonLine and SmartTalk, educational incentives to help increase parent participation and boost funding for local schools; and

WHEREAS, in October 1992, DeltaCom introduced LessonLine, an educational voice mail service parents may use to stay abreast of their children's educational activities, the goal of LessonLine being to disseminate school information while encouraging parental participation in the daily education of their children; and

WHEREAS, from December 1992 through January 1993, LessonLine has generated more than 260,000 calls from participating parents and students; currently LessonLine has been implemented in 10 systems and 250 schools, including school systems in Montgomery, Mobile, Fairfield, Vestavia Hills, Midfield, Homewood, Birmingham, Mountain Brook, and Tarrant, increasing total availability to 150,000 homes throughout Alabama; and

WHEREAS, in April 1992, DeltaCom initiated SmartTalk, a program designed to increase funding for Alabama schools by allocating a portion of every long distance bill to the customer's designated school; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend DeltaCom for its corporate educational benevolence and its unselfish and enthusiastic acceptance of its corporate and community responsibilities. We further instruct that a copy of this resolution be delivered to the offices of DeltaCom so that this company may know of our appreciation and admiration.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Foshee offered the following Senate Joint Resolution, to-wit:

SJR 80. CONGRATULATING COLONEL AND MRS. WILLIAM R. LAWLEY, JR., ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, it is with great personal pleasure that the Legislature of Alabama congratulates Colonel and Mrs. William R. Lawley, Jr., on the occasion of their Golden Wedding Anniversary, April 21, 1993; and

WHEREAS, William R. (Bill) Lawley, Jr., a native of Alabama, and Amelia D. (Amy) Lawley of Texas were married on April 21, 1943, and over the ensuing years of Colonel Lawley's Air Force career, wherever Bill went, Amy followed--to Brazil and the Philippines, among numerous other duty stations, including four tours of duty at Maxwell Air Force Base, where they elected to retire; and

WHEREAS, Bill, the recipient of the Medal of Honor during World War II, and Amy, the recipient of a Senate Resolution in recognition of courage in combat during her career as a longtime Senate employee, are the parents of a son, Bill, III; two daughters, Sue and Anne; and the proud grandparents of two grandsons, four granddaughters and one great-granddaughter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family and many friends in celebrating the 50th Wedding Anniversary, April 21, 1993, of Amy and Bill Lawley of Montgomery, Alabama, and do further direct that they receive a copy of this resolution, executed in warmest personal regard and with sincere best wishes to Amy and Bill, whose favorite songs, respectively, are "He's Just My Bill," and "Once in Love With Amy."

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

SJR 81. COMMENDING CAMILLE WRIGHT COOK FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE UNIVERSITY OF ALABAMA SCHOOL OF LAW.

WHEREAS, in noting the imminent retirement of Camille Wright Cook, Professor of Law, The University of Alabama School of Law, the Alabama Legislature expresses highest commendation of her many contributions to the University; and

WHEREAS, Camille Cook, a graduate of the University of Alabama with the A.B. degree, received her J.D. degree from the University's School of Law, and has distinguished herself in dedicated service to her Alma Mater since 1968; and

WHEREAS, Professor of Law from 1978 to the present, Ms. Cook served the University prior to that time in various capacities and, concurrently with her present position, has served as Director of Continuing Legal Education, 1981; Assistant Academic Vice President, 1983-1985; and John S. Stone Professor of Law, 1992; and

WHEREAS, she further has been professionally involved through activities of the Smithsonian Council of Smithsonian Institution; Governor's Working Party to Draft New Constitution, member, 1979-1980; Reporter, Alabama Adoption Committee, Alabama Law Institute; and as an At-Large Fellow, American Bar Foundation, 1992; and

WHEREAS, Professor Cook also has been recognized on numerous occasions with such distinctions as "The Award of Special Merit," Rawles/American Law Institute/American Bar Association, 1983; "Outstanding Commitment to Teaching Award," 1990; and the "Sam W. Piper Distinguished Alumni Award," 1992; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That in recognition of faithful and distinguished service to the University of Alabama, we hereby commend Camille Wright Cook, for whom a copy of this resolution of highest personal regard shall be provided.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dixon offered the following Senate Joint Resolution, to-wit:

SJR 82. RELATING TO CERTIFICATES OF PARTICIPATION FINANCIAL AGREEMENTS INVOLVING JUNIOR COLLEGES, TECHNICAL COLLEGES, AND OTHER INSTITUTIONS OF HIGHER EDUCATION UNDER THE CONTROL OF THE STATE BOARD OF EDUCATION.

WHEREAS, the use by certain institutions of higher education of a new financing arrangement called certificates of participation has greatly increased in the past two years; and

WHEREAS, concerns have been expressed by state financial experts regarding these COP arrangements; and

WHEREAS, these rent-to-own financial deals pose numerous questions which could endanger the stability of state finances; including the affect on the credit rating of the state, the ability of the state to supervise and control its fiscal operations, the public policy ramifications of removing the Executive and Legislative Departments from these financial decisions, the potential lack of construction and safety standards for public buildings erected under these agreements, the liability of the state for these issues, and the possibility that small investors may incorrectly understand the risks involved in purchasing these certificates; and

WHEREAS, this legislative body strongly believes no additional certificate of participation agreements should be entered by junior colleges, technical colleges, and other institutions of higher education under the control of the State Board of Education until a study is conducted to determine their impact on the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That:

1. The State Board of Education is directed to deny approval of any certificate of participation type financing agreement involving a junior college, a technical college, or other institution of higher education under its control until these agreements are investigated by the

committee established by this resolution and recommendations have been submitted to the Legislature.

2. (a) A study committee is created to investigate the use of certificate of participation type financing agreements by these junior colleges, technical colleges, and other institutions of higher education under the control of the State Board of Education. The committee shall study the impact of these arrangements on the state credit rating, the ability of state officials to manage state finances, the potential usurpation of public policy and decision making, the construction and safety standards of the buildings constructed, the liability of the state, investor understanding of potential risks, and other relevant matters.

(b) The committee shall be composed of the following individuals:

1. Three members of the State Senate appointed by the President of the Senate.

2. Three members of the House of Representatives appointed by the Speaker of the House of Representatives.

3. Three persons appointed by the Governor.

(c) The committee shall have the power of subpoena and may compel the attendance and testimony of witnesses. Upon the request of the chair, the Secretary of the Senate and the Clerk of the House of Representatives shall provide clerical assistance. The Department of Finance, the State Board of Education, and any other state entity shall, upon request of the committee, provide technical assistance to the committee.

(d) Each member of the committee shall be entitled to regular legislative compensation, per diem, and travel expenses for each day of attendance at a meeting of the committee. These payments shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed seven thousand five hundred dollars (\$7,500).

(e) The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the 5th legislative day of the 1994 Regular Session, at which time the committee shall dissolve.

3. A copy of this resolution shall be delivered to both of the following:

1. The State Board of Education, who shall ensure all public institutions of higher education under its purview are informed of the directives contained herein.

2. The Governor.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Waggoner:

S. 457. Relating to insurance; to provide that insurance coverage for medically necessary early intervention services be included as coverage for newborn children under any insurance policy, nonprofit service corporation contract, or health maintenance organization evidence of coverage; providing family members' coverage; providing that the benefits be provided as part of a basic benefits policy, with certain maximum coverage; and providing that the benefits paid not be applied by the insurer against any maximum benefit limits, as may be specified in the policy, by amending Section 27-19-38, Code of Alabama 1975.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale (With Amendment):

S. 527. To amend Section 22-21-267, Code of Alabama 1975, relating to the issuance of certificates of need by the State Health Planning and Development Agency regarding new institutional health services; to prohibit the issuance of those certificates, with certain exceptions, until July 1, 1996.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a

favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Lindsey, Parsons, Bedsole, and Ellis:

S. 572. To provide for a separate crime of engaging in a pattern of criminal gang activity, to provide for the forfeiture of property acquired as a result of that crime and firearms used in criminal gang activity, to provide for treatment as nuisances of real property where criminal gang activity is conducted, and to create a separate civil cause of action with treble damages to victims of criminal gang activity.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Barron (With Notice and Proof):

S. 561. Relating to Jackson County; to permit certain municipalities to determine by a local option election whether alcoholic beverages may be legally sold and distributed within the corporate limits of the municipalities; and providing for the conducting of these elections.

By Senator Campbell (With Notice and Proof):

S. 576. Relating to Morgan County; to provide for the compensation of members of the county board of registrars, by amending Section 1 of Act No. 773, S. 811, 1977 Regular Session (Acts 1977, p. 1279).

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 83. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Nineteenth Legislative day only.

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S. 252

Building Commission auth. to charge service fees and deposit into revolving fund, Sec. 41-9-141 am'd.

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S. 383	42
Infected Health Care Worker Management Act, estab.	
S. 299	33
Motor vehicle tags, veterans and armed forces reservists, distinct. tags auth., fees, Sec. 32-6-150 am'd.	
S. 463	103
Blasting and use of explosives reg., licensing req., fines and penalties	
S. 368	58
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S. 363	61
General contractors, licensure fees, penalties further provided, Secs. 34-8-2, 34-8-4, 34-8-6 am'd.	
S. 162	16
Abandoned mines, reclamation funds deadline extended to Nov. 5, 1990, Secs. 9-16-12, 9-16-124 am'd.	
S. 548	160
Environmental Management Dept., req. to fully comply with Administrative Procedure Act, Sec. 41-22-27 am'd.	
S. 157	7
County engineer trainees, salary scale incr. if registered, with one yr. of trainee experience, Highway Dept. pays 50% of salary, Sec. 11-6-23 am'd.	
S. 154	7
Municipalities and cos., may appropriate funds to mow and maintain abandoned cemetery grounds	
S. 298	80
Employees' Retirement System, reopen for prior service with St. Arts Council	
S. 272	79
Sports Hall of Fame, officers and employees eligible for membership in Teachers' Retirement System, purchase of past service credit auth.	
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Mental Health and Mental Retardation Dept., Individual and Family Support Program estab. for developmentally disabled	
S. 120	129
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S. 509	133
Tobacco wholesale dealers, removed from time limits of stamp affixation with cert. permit, products for conduct of interstate business not req. to be kept separate from products desig. for intrastate business, Secs. 40-25-4, 40-25-8 am'd.	
S. 507	134
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S. 286	16
Administration of a decedent's estate, personal representatives, duties and powers provided, Secs. 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, 43-2-316 repealed	
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Municipal special health care authorities, eligible investments include certain debt securities, Sec. 11-62-1 amd.	
S. 4	4
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H. 246	86
Economic and Community Affairs Dept., approp.	
H. 191	148
Emergency medical services, approp. to Health Dept. and various colleges	
S. 382	69
Tenth Judicial Circuit dist. atty. may appt. deputy dist. atty., Act 90-202, Reg. Sess. 1990 am'd.	
S. 334	43
Animal research, agricultural, commercial or ed. facilities, crimes re, penalties	
S. 202	24
Rural hospitals, exempt from certificate of need review	

condition re offering of cert. new services, Sec. 22-21-263 am'd.

S. 219 29
Child abuse, crime of sexual torture estab.

S. 492 139
Child abuse, investigations, Secs. 26-14-1, 26-14-3, 26-14-7 am'd.

S. 373 58
Family violence protection order enforcement provided

H. 21 101
Taxation, ad valorem tax for fire protection purposes, distrib., consti. amend.

S. 426 27
School attendance, req. for persons under 18 to possess driver's license or learner's license, exceptions

S. 349 47
Indigent defense services, contract counsel system, county use provided, Secs. 15-12-1 and 15-12-25, am'd.

S. 290 72
Child labor laws, rewritten, Secs. 25-8-1 through 25-8-25, 25-8-27, 25-8-28, 25-8-30, 25-8-31 repealed

S. 282 34
Penny Trust Fund, matching funds for special ed. trust and gen. fund, limits, procedure, Sec. 41-15A-5 repealed

S. 416 120
County bd. of ed., vacancy appointment for unexpired term or next election, Sec. 16-8-6 am'd.

S. 158 2
Attorney General, number of investigators incr., Sec. 36-15-60 am'd.

S. 166 35
Area Agency on Aging, employees may participate in st. employees insurance plan, Sec. 36-29-14 am'd.

S. 316 46
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State inmates charged at same rate as Medicaid patients for hospitals that receive public funds	
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Prisoners in mun., co., or st. facilities, testing re sexually transmitted disease, victim of sex offense may obtain HIV test results, Sec. 22-11A-17 am'd.	
S. 149	47
Marine Environmental Sciences Consortium, bd. of dirs., chief exec. officer of memb. inst. may designate replacement, Sec. 16-45-4 am'd.	
S. 210	13
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S. 265	12
Liquefied Petroleum Gas Bd., vacancies, notification of work on gas systems, research and ed. committee, research and ed. fund, Secs. 9-17-100, 9-17-104, 9-17-109, 9-17-110 am'd.	
S. 308	37
Elections, holding of, notice, designation of voting places, installation and maintenance of voting machines, Secs. 11-46-5, 11-46-22, 11-46-24, and 17-9-4 am'd.	
S. 184	4
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S. 254	31
Murder of one or more persons during one continuing criminal enterprise, deemed capital offense, Sec. 13A-5-40 am'd.	

- S. 401** 65
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- S. 178** 46
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- S. 227** 78
Judicial Retirement System, service and contributions may be transferred from to Teachers' Retirement System or Employees' Retirement System
- S. 148** 108
Forest products, severance tax, alt. method of levy, Sec. 9-13-82 am'd.
- S. 284** 71
Employees' and Teachers' Retirement System, retirees and beneficiaries, six percent cost-of-living incr. provided

On motion of Senator Hale, the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 94. To amend Section 16-28-12 of the Code of Alabama 1975, relating to the responsibility of a parent, guardian, or person in charge of a child to ensure that the child enrolls and attends school and conducts himself or herself properly as a pupil; to require principals and superintendents to report suspected violations to the district attorney, to provide criminal penalties for failure to report, and to require district attorneys to vigorously enforce the law; to require local boards of education to establish programs to inform parents of school children of their education-related responsibilities to their children.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 95. Requiring the Alabama Commission on Higher Education to establish a statewide steering committee to improve participation in two-year and four-year postsecondary education and prescribing the duties of the committee; requiring the commission to enter into a contract to establish a center to provide communications regarding postsecondary education; and permitting the commission to seek supplemental funding.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 97. To require local boards of education to provide to certain students instruction in parental responsibility, the importance of an education, and how to study.

DON HALE,
Chairperson.

FURTHER CONSIDERATION OF SB 426

The Senate proceeded to further consideration of the Bill, SB 426, as amended.

Senator Sanders offered the following amendment to the Bill, SB 426, as amended, to-wit:

AMENDMENT TO SB 426, AS AMENDED

On page 2, line 7, delete the word "or" and the number "(4)", and insert the following additional language:

(4) is gainfully and substantially employed; (5) is a parent with the care and custody of a minor or unborn child; or (6)

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee, Hale, Hill, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), and Windom -22

Nays:

- 0

Senator Corbett offered the following amendment to the Bill, SB 426, as amended, to-wit:

AMENDMENT TO SB 426, AS AMENDED

Amend Senate Bill No. 426, as amended, Page 2 Line 7, as follows:

delete the word "or" and the number "(4)", and insert the following additional language:

(4) is gainfully and substantially employed;

(5) is a parent with the care and custody of a minor or unborn child;

(6) has a physician certify that the parents of the person depend on him/her as their sole source of transportation; or

(7)

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Floyd, Foshee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (B), Waggoner, Wilson, and Windom -25

Nays:

- 0

And said Bill, SB 426, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried,

Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -27

Nay: Senator Corbett

- 1

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 46. COMMENDING MISS KRISTIN YENCER OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

SJR 48. COMMENDING LANCE TUCKER OF FAYETTE, ALABAMA.

Also:

SJR 49. COMMENDING JANE MCWHORTER, ALABAMA'S 1993 MERIT MOTHER OF THE YEAR.

Also:

SJR 50. MOURNING THE DEATH OF TYRE C. WEAVER, JR., OF MOBILE, ALABAMA.

Also:

SJR 52. RECOGNIZING THE CONTRIBUTION TO EDUCATION IN ALABAMA AND THE HISTORY OF ALABAMA MADE BY CONSTITUTION VILLAGE OF HUNTSVILLE, ALABAMA.

Also:

SJR 56. NAMING THE PORTION OF U. S. HIGHWAY 78 WITHIN THE CITY OF ADAMSVILLE "VETERANS MEMORIAL DRIVE."

Also:

SJR 57. COMMENDING R. D. "DOUG" FREEMAN ON THE OCCASION OF HIS RETIREMENT.

Also:

SJR 58. MOURNING THE DEATH OF JAMES THOMAS "JABO" WAGGONER, SR.

Also:

SJR 68. RECOGNIZING JUNE 7 TO 11, 1993, AS MANAGEMENT WEEK IN ALABAMA.

Also:

SJR 69. RECOGNIZING THE CONTRIBUTION TO EDUCATION IN ALABAMA AND THE HISTORY OF ALABAMA MADE BY CONSTITUTION VILLAGE OF HUNTSVILLE, ALABAMA.

Also:

SJR 73. COMMENDING THE BRANTLEY HIGH SCHOOL BULLDOGS AS THE 1993 STATE CLASS 1A BASKETBALL CHAMPIONS.

Also:

SJR 74. OFFICIALLY DESIGNATING KATHERINE SMYTHE OF MEMPHIS, TENNESSEE, AS "MISS KATHERINE" IN THE STATE OF ALABAMA.

Also:

SJR 71. ENDORSING THE "CANINE GOOD CITIZEN" PROGRAM.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 39. COMMENDING WORLD CHAMPION BARBECUE CHEF CARL SHEWBART OF HAMILTON AND RECOGNIZING HIM AS ALABAMA'S OFFICIAL BARBECUE CHEF.

Also:

SJR 40. MOURNING THE DEATH OF L. C. PRESLEY OF GADSDEN, ALABAMA.

Also:

SJR 42. COMMENDING MYRA L. WALLACE OF FLORENCE, ALABAMA, ON THE OCCASION OF HER RETIREMENT.

Also:

SJR 43. COMMENDING MARILYN MILLER MORTON OF VESTAVIA HILLS FOR DISTINGUISHED ACHIEVEMENT.

Also:

SJR 60. RECOGNIZING JULY 13, 1993, AS THE 25TH ANNIVERSARY OF GOODWILL INDUSTRIES OF CENTRAL ALABAMA, INC.

Also:

SJR 61. COMMENDING RICHARD ASHLEY THIGPEN FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA, 1970-1992.

Also:

SJR 62. RELATING TO ART EDUCATION AND DESIGNATING ARTS EDUCATION AWARENESS MONTH.

Also:

SJR 63. MOURNING THE DEATH OF OCIE COOK OF ARAB, ALABAMA.

Also:

SJR 65. COMMENDING WALTER HOVELL OF MOBILE, ALABAMA.

Also:

SJR 66. COMMENDING JOHN D. CRAWFORD, FORMER ASSISTANT SECRETARY OF THE SENATE.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTION

Senator Campbell requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 84. COMMENDING THE CANADIAN FORCES SNOW-BIRDS.

WHEREAS, as designated by HJR 6, Act No. 91-755, First Extraordinary Session 1991, of the Alabama Legislature, the month of October is Aviation History Month in the State of Alabama, and coincides with the annual "Wings In Autumn International Air Show" at Courtland Air Base, Courtland, Alabama, the site of a U. S. training base for airmen during World War II; and

WHEREAS, the October 1993 "Wings in Autumn International Air Show" features the Canadian Forces Snowbirds, which comprise the 431 Air Demonstration Squadron of the Canadian Military Forces, and is making its only appearance in the Southeast at Courtland Air Base, with demonstrations scheduled for October 1st, 2nd, and 3rd; and

WHEREAS, the Snowbirds, all of whom are volunteers, are selected on a highly competitive basis, and their chosen aircraft is the Canadian CT-114 "Tutor" jet trainer, which doubles as demonstration and transport aircraft and carries team members, including the volunteer ground crew, and equipment to show sites; and

WHEREAS, serving as ambassadors for Canada and its Armed Forces, the 1993 Snowbirds are carrying on the tradition of aerial perfection and professionalism established by their predecessors with a spectacular demonstration that includes an opening series of formation

maneuvers featuring all nine planes, as well as various acrobatic patterns of up to seven aircraft interspaced with two opposing solos--a precision aerial ballet traced out by trails of white smoke in the sky; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and performance, we hereby most highly commend the Canadian Forces Snowbirds, to whom a copy of this resolution shall be presented in small token of our sincere praise and in welcome to the State of Alabama.

On motion of Senator Campbell, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Hale requested and received permission to suspend the Rules in order to bring up the Bill, SB 219.

Senator Hale, B.I.R., SB 219, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Waggoner, Wilson, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 219. To provide for the new offense of sexual torture, to define the offense, and to provide felony punishment for the offense which penalty is cumulative.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee,

Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons,
Smith (B), Waggoner, Wilson, and Windom -26

Nays: - 0

RESOLUTION

Senators deGraffenried, Dixon, Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 85. MOURNING THE DEATH OF MRS. SYBIL HUEY SMITH LEBHERZ OF FORT WALTON BEACH, FLORIDA.

WHEREAS, the Legislature of Alabama grievously records the death of Sybil Huey Smith Lebherz of Fort Walton Beach, Florida, on March 30, 1993; and

WHEREAS, a native of Ramer in Montgomery County, and a former longtime resident of Mobile, Mrs. Lebherz was educated at Troy State University, Huntingdon College and the University of Montevallo, and taught school prior to her marriage to the late Malcolm White Smith; and

WHEREAS, Mrs. Lebherz, who was involved in leadership and service with numerous civic, cultural, and educational activities, also was a well-known philanthropist whose generosity was of inordinate benefit to the Alabama School of Mathematics and Science where the school's auditorium was dedicated in her honor; to Huntingdon College in Montgomery where the fine arts building is named the Sybil Smith Lebherz Music Building; and, in Fort Walton Beach, to the YMCA playground which was dedicated in her honor in 1985, in gratitude for her faithful support, and for her service on the facility's building committee, of which she was named honorary chairwoman in 1983; and

WHEREAS, she further contributed generously to the Mary Esther United Methodist Church youth building, as well as other special needs of the church; to the First Presbyterian Church of Mary Esther; and to the Fort Walton Beach Ballet Association and the Florida Sheriffs' Youth Fund, among countless other charities and organizations, many of which joined together to hold an appreciation night, in 1984, to express their gratitude for her on-going and loyal support; and

WHEREAS, additionally, she was involved with the Mobile Com-

munity Foundation, Mobile Arts Council and the Mobile Association of Retarded Citizens, and was a member of the M. W. Smith Foundation; and

WHEREAS, Mrs. Sybil Lebherz was indeed a very kind, loving and compassionate person whose lamentable death has left an unfathomable void in the hearts of all those whose lives she touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Sybil Huey Smith Lebherz, and extend our very deepest sympathy to her daughters, Ann Bedsole and Maida Pearson; to her step-daughter and step-son, Jean Peterson and Jack Lebherz; to her eight grandchildren and seven great-grandchildren; and to her sister, Margaret Huey, for whom copies of this resolution shall be provided that they all may know we sincerely share their great and grievous loss of a loving and caring mother, grandmother and sister, and the loss that is felt by all those whose lives are infinitely better for her having lived.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 218. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing with certain modifications; to amend Section 34-21-25, Code of Alabama 1975, so as to establish a voluntary disciplinary alternative program for impaired licensees.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., SB 252, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -28

Nays:

- 0

SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 252. Amending Section 41-9-141, Code of Alabama 1975, to allow the state building commission to charge user fees for services performed under Article 6, Chapter 9, Title 41, Code of Alabama 1975, and to appropriate the fees collected under this act.

Senator Lindsey offered the following amendment to the Bill, SB 252, to-wit:

AMENDMENT TO SB 252

On page 2, line 27, after the period add the following:

It is provided, however, that the fees so established by this act shall not exceed the Appendix B Recommended Schedule of Permit Fees of the Southern Standard Building Code.

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -28

Nays:

- 0

And said Bill, SB 252, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B.I.R., SB 383, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 383. To create the Infected Health Care Worker Management Act; to require reporting of an infected health care worker to the State Health Officer; to require an infected health care worker to submit to review by an expert review panel; to authorize the State Health Officer to undertake a review of the practice of an infected health care worker to determine if invasive procedures are performed by the worker; to authorize the creation of expert review panels and provide for their composition and duties; to authorize the State Health Officer to issue restrictions on the practice of the infected health care worker; to provide an appeal process; to authorize the monitoring of the practice of the infected health care worker and to require reporting of violations to the State Health Officer; to provide grounds for revocation, suspension, or restriction of infected health care workers licensed by licensing boards; to require infected health care workers and third parties with records or information to provide records or other information and to cooperate with an investigation; to provide immunity from civil and criminal liability for individuals, agencies, experts, and committees involved in the investigation of an infected health care worker; to create confidentiality standards and to provide for uses of the information gained during an investigation; to authorize promulgation of rules for administration of this act; to enable the State Board of Health to file suit

in circuit court to compel compliance; and to provide penalties for violation of this act.

was taken up.

Senator Bedsole offered the following amendment to the Bill, SB 383, to-wit:

AMENDMENT TO SB 383

Delete the language on lines 5, 6, and 7 on page 14 and insert in lieu thereof the following:

records nor be admissible in court for any purpose nor subject to discovery in any civil action except appeals governed by Sections 5 and 6 of this act and appeals from adverse professional license determinations made pursuant to Sections 7 and 13(a) of this act. Information gained

Also on page 14, delete the language on lines 27 to 31 inclusive and insert in lieu thereof the following:

Section 11. (a) The State Board of Health may adopt rules necessary for the administration of this act. The State Board of Health, the Board of Medical Examiners, the Medical Licensure Commission, the Board of Nursing, and the Board of Podiatry may each adopt rules governing professional licensure determinations made under the provisions of this act.

On page 15, line 16, between the words "an" and "infected" add the following:

individual known to the physician to be an

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom

-27

Nays:

- 0

Senator Bedsole then offered the following amendment No. 2 to the Bill, SB 383, as amended, to-wit:

AMENDMENT NO. 2 TO SB 383, AS AMENDED

Amend Senate Bill No. 383, as amended, on Page 3, Section 2,

Line 9, by adding the word "Podiatrist," after "Physician Assistants,"

Further amend SB 383, as amended, on Page 7, Sec 4, Line 22 by adding the word "Podiatric," after "Dental,"

Further amend SB 383, as amended, on Page 13, Sec 9, Line 13 by adding "The Board of Podiatry," after "The Board of Dental Examiners"

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -27

Nays:

- 0

Senator Bedsole then offered the following amendment No. 3 to the Bill, SB 383, as amended, to-wit:

AMENDMENT NO. 3 TO SB 383, AS AMENDED

On page 13, delete the language on lines 27, 28, and 29 and insert in lieu thereof the following language:

and shall be released only upon the lawful order of a court of competent jurisdiction.

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -27

Nays:

- 0

Senator Corbett offered the following amendment to the Bill, SB 383, as amended, to-wit:

AMENDMENT TO SB 383, AS AMENDED

Amend Senate Bill No. 383, as amended, Page 13 Line 21, as follows:

delete subsection "(b)" in its entirety and renumber subsection "(c)" to read subsection "(b)"

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Wilson, and Windom -23

Nays:

- 0

And said Bill, SB 383, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Wilson, and Windom -23

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., SB 299, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Wilson, and Windom -23

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 299. To authorize certain veterans and active reserve

members of the United States Armed Forces to purchase a distinctive motor vehicle license tag; and for this purpose to amend Section 32-6-150, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Wilson, and Windom -23

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Smith (B), B.I.R., SB 463, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Wilson, and Windom -23

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 463. Regulating the use of explosives; to create the "Alabama Explosives Safety Act of 1993"; to require that the commercial users of explosives be required to obtain a blasting license, and a local explosives use permit from the appropriate municipal issuing authority; to require certain persons to be certified as blasters; to provide a licensure procedure by the State Fire Marshal's Office; to require that certain records be maintained on blasting operations; to provide for the payment and expenditures of fees, civil penalties, grants, and appropriations collected and expended pursuant to this act, to provide that unexpended funds credited to the State Fire Marshal's Fund shall not revert to the General Fund to the State Treasury; to make certain exemptions; to provide for penalties for violations; to authorize administrative and civil remedies for violations; to establish standards relating to seismograph measurements; to provide for the issuance, refusal, suspension, revocation, or renewal of a blasting license, permit, or a certification for

blasting under certain conditions; and to provide for certain emergency variations from the general provisions of this act.

was taken up.

Senator Smith (B) offered the following amendment to the Bill, SB 463, to-wit:

AMENDMENT TO SB 463

On page 14, after line 11, insert the following language:

(8) The use of explosives for oil and gas exploration purposes.

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Wilson, and Windom -23

Nays:

- 0

Senator Smith (B) offered the following amendment No. 2 to the Bill, SB 463, as amended, to-wit:

AMENDMENT NO. 2 TO SB 463, AS AMENDED

Amend Senate Bill 463, as amended, on Page 14, line 7 by inserting the following new paragraph six (6) and renumbering subsequent paragraphs:

"(6) Railroads."

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Wilson, and Windom -23

Nays:

- 0

And said Bill, SB 463, as thus amended, was read a third time at

length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Wilson, and Windom -23

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 368, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Wilson, and Windom -23

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 368. To propose an amendment to the Constitution of Alabama of 1901 to repeal Amendment 339 and Amendment 448 of the Constitution of 1901. This bill would limit total appropriations from state funds in any fiscal year to the revenue collected for the fiscal year that ended one year prior to the commencement of the fiscal year for which said appropriations are being made; provide for a 1 year phase-in period for appropriations from the State General Fund and a 5 year phase-in period for appropriations from the Alabama Special Educational Trust Fund; provide a procedure for appropriation of balances; provide a procedure for supplemental appropriations during special sessions; provide a procedure for appropriations of revenue-raising measures; provide for the convening of the Legislature in two annual Regular Sessions; provide for special sessions; provide for the duration of legislative sessions and the legislative matters to be considered at said sessions; provide a procedure for the consideration of basic appropriation bills; provide a 24 hour notification of any Conference Committee report on appropriation bills prior to a vote being taken; provide for an automatic special session for budgets should they fail to be enacted in the first annual budget and revenue session; and provide a procedure for the

Governor to prevent a deficit in any state fund. This bill would authorize the Legislature to make appropriations for multiple purposes in one or more general appropriation bills and to make appropriations to institutions that are not under the absolute control of the state. This bill will provide for a constitutional election on the proposed amendment.

was taken up.

Senator Mitchell offered the following amendment to the Bill, SB 368, to-wit:

AMENDMENT TO SB 368

On page 13, after line 9 add the following new Section G and renumber subsequent Sections accordingly:

Notwithstanding any other provisions of this Constitution, the Legislature of the State of Alabama is hereby empowered to convene itself in Special Session upon presenting and filing with the Secretary of State a sworn and signed petition comprised of three-fifths of the membership of each House; provided, the petition shall state the issue or issues to be addressed in the Special Session. A session so called shall convene on the First Tuesday after the First Monday that the said petition is presented and filed with the Secretary of State. All other laws that pertain to the length of sessions and passage of legislation in Special Session shall also apply to a legislatively-called Special Session.

On page 2, line 3, after the period (.) and on page 3, line 9, after the period (.) insert the following:

This bill will authorize the Legislature of Alabama to call itself into Special Session upon the submission of a sworn, signed petition to the Secretary of State.

Which was adopted.

Yeas 18 Nays 4

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Escott-Russell, Figures, Floyd, Foshee, Ghee, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-18

Nays:

Senators:

Amari, Dixon, Ellis, and Little

- 4

And said Bill, SB 368, as thus amended, was read a third time at

length as required by the Constitution and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Little, Mitchell, Owens, Parsons, Smith (B), Waggoner, Wilson, and Windom
-24

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., SB 363, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Smith (B), Waggoner, Wilson, and Windom
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 363. To amend Section 34-8-2, Code of Alabama 1975, relating to application for licenses, fees, classifications of contractors, examination of applicants generally, certification of authority, renewal of licenses, limited licenses for particular projects, to delete the prior statutory maximum bid limits for contractors and to delegate to the State Licensing Board for General Contractors the authority to promulgate certain regulations relating to maximum bid limits and the corresponding ranges of net worth covered by each maximum bid limit; to amend Section 34-8-4, Code of Alabama 1975, relating to the revocation of licenses for certain offenses, charges, hearings, reissuance of revoked licenses, and lost licenses, to grant authority to the board to promulgate certain regulations providing for penalties for violations in lieu of revocation of a contractor's license; to amend Section 34-8-6, Code of Alabama 1975, relating to prohibited acts and penalties relating to persons prohibited from accepting bids from unlicensed contractors; and to prohibit the announcements of certain bids received from unlicensed contractors.

was taken up.

Senator Dixon offered the following substitute for the Bill, SB 363, to-wit:

SUBSTITUTE FOR SB 363

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 34-8-2, Code of Alabama 1975, relating to application for licenses, fees, classifications of contractors, examination of applicants generally, certification of authority, renewal of licenses, limited licenses for particular projects, to delete the prior statutory maximum bid limits for contractors and to delegate to the State Licensing Board for General Contractors the authority to promulgate certain regulations relating to maximum bid limits and the corresponding ranges of net worth covered by each maximum bid limit; to amend Section 34-8-4, Code of Alabama 1975, relating to the revocation of licenses for certain offenses, charges, hearings, reissuance of revoked licenses, and lost licenses, to grant authority to the board to promulgate certain regulations providing for penalties for violations in lieu of revocation of a contractor's license; to amend Section 34-8-6, Code of Alabama 1975, relating to prohibited acts and penalties relating to persons prohibited from accepting bids from unlicensed contractors and to further prohibit the construction of buildings intended for public ownership by licensed general contractors and provide penalties; and to prohibit the announcements of certain bids received from unlicensed contractors.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-8-2, 34-8-4, and 34-8-6, Code of Alabama 1975, are amended to read as follows:

"§34-8-2.

"(a) Any person desiring to be licensed or desiring a renewal of an existing license as a general contractor in this state shall make and file with the board, not less than 30 days prior to any regular or special meeting thereof, a written application on ~~such~~ a form as may then be by the board prescribed for examination by the board, which application shall be accompanied by ~~\$200.00~~ two hundred dollars (\$200) for a new application or ~~\$100.00~~ one hundred dollars (\$100) in case of a renewal. If a licensee fails to renew ~~his~~ the license within 90 days following expiration of the previous license, a late penalty of \$50.00 fifty dollars (\$50) shall be collected, upon renewal, in addition to the renewal fee. The applicant shall apply for a license covering the type or types of

~~contracts on which he wishes~~ the applicant desires to perform. ~~and the~~
The board shall classify contractors according to the type or types of
contracts on which they may perform, within maximum bid limits, on
the following basis: the applicant's request, his or her last annual
financial statement prepared by a certified public accountant (C.P.A.), or
by any independent licensed public accountant, approved by the licensing
board for general contractors, ~~his~~ the previous experience, equipment,
and the facts in each case. An applicant shall not be so classified as to
permit him or her to bid on or to perform a type of work not included in
~~his~~ the request for a license. If the application is satisfactory to the
board, then the applicant may be required to take an examination to
determine ~~his~~ the qualifications. If the result of the examination of the
applicant is satisfactory to the board, the board shall then issue to the
applicant a certificate to engage in general contracting in the ~~state~~ State
of Alabama. ~~stipulating in each~~ Each license issued shall designate the
licensee the type or types of work the contractor is permitted to bid on or
to perform under ~~his~~ the license and also ~~setting out~~ shall bear a letter
symbol indicating the maximum limits on which ~~he~~ the licensee is
permitted to bid or to perform in a single contract. The maximum bid
limits shall be set by the formula of not more than 10 times the net
worth as shown by the applicant's latest financial statement and
designated in the classification set out herein that is the closest to this
amount. Should the applicant's financial statement fail to substantiate the
limits requested, further consideration may be given to: (1) the present
market value in lieu of book value of listed assets when properly
supported with substantiating evidence; and (2) a combined statement of
the applicant that includes other wholly owned or substantially owned
interests. When an applicant's statement qualifies for an amount in
excess of classification "E", the limits shall then be set as classification
"U" -- Unlimited. ~~The following letter symbols indicate the maximum~~
~~amount bid limits allowed a licensee on any one single contract~~
~~undertaking:~~

~~A -- Not to exceed.....\$ 100,000.00~~

~~B -- Not to exceed.....250,000.00~~

~~C -- Not to exceed.....500,000.00~~

~~D -- Not to exceed.....1,000,000.00~~

~~E -- Not to exceed.....3,000,000.00~~

~~U -- Unlimited~~

"The board shall set the amounts of each bid limit and the cor-
responding ranges of net worth for each bid limit by regulation pro-
mulgated pursuant to the Alabama Administrative Procedure Act,

Chapter 22 of Title 41 of the Code of Alabama 1975.

(b) Any person failing to pass ~~such~~ the examination may be reexamined at any regular or called meeting of the board. The certificate of authority to engage in the business of general contracting in the ~~state~~ State of Alabama shall expire on December 31 following its issuance or renewal and shall become invalid on that date unless renewed. Upon the renewal of a license, the board shall reclassify or confirm the license both as to the types of work and bid limits as specified in this section. A licensee may apply for and, on proof satisfactory to the board, may receive an increase in the amount of ~~his~~ the bid limit or a change in ~~his~~ classification. Application for renewal of a license, together with the payment of a fee of ~~\$100.00~~ one hundred dollars (\$100), received by the board at least 30 days prior to expiration, shall serve to extend the current license until the board either renews the license or denies the application. At the discretion of the board, a limited license may be issued for a particular project.

"The sum or fee of ~~\$200.00~~ two hundred dollars (\$200) accompanying original applications and ~~sum or fee of \$100.00~~ one hundred dollars (\$100) accompanying applications for renewals under this section are for the administration and enforcement of ~~the provisions of~~ this chapter and shall not be refunded to the applicant."

"§34-8-4.

"(a) The board shall have the disciplinary power to levy and collect an administrative fine of not less than ~~\$100.00~~ one hundred dollars (\$100) nor more than ~~\$500.00~~ five hundred dollars (\$500) for any licensee who violates ~~any provision of~~ this chapter, or the rules and regulations of the board.

"(b) The board ~~shall have the additional power~~ may to revoke the certificate of license of any general contractor licensed hereunder who is found guilty of any fraud or deceit in obtaining a license or gross negligence, incompetence, or misconduct in the conduct of business. Any person may prefer charges of ~~such~~ fraud, deceit, negligence, or misconduct against any general contractor licensed hereunder. ~~Such~~ The charges shall be in writing and sworn to by the complainant and submitted to the board. ~~Such~~ The charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within 90 days after the date on which ~~they~~ the charges were preferred. The hearing shall be held at the office of the state licensing board for general contractors in Montgomery, Alabama. A copy of the charges, together with the notice of the time and place of hearing, shall be legally served on the accused by the secretary of the board, any sheriff in the state, or by registered or certified mail, at least 10 days before the fixed date for the hearing. ~~and, in~~ In the event that

~~such the~~ service cannot be effected 10 days before ~~such the~~ hearing, then the date of hearing and determination shall be postponed as may be necessary to ~~permit the carrying out of~~ implement this condition. At ~~said~~ the hearing the accused shall have the right to appear personally, and by counsel and to cross-examine witnesses against him, her, or them and to produce evidence of witnesses in his, her, or their defense. If after ~~said~~ the hearing the board votes in favor of finding the accused guilty, the board shall revoke the license of the accused. The board may reissue a license to any person, firm, or corporation whose license has been revoked. The board shall immediately notify the secretary of state and the clerk of each incorporated city, town, or county in the state of its findings in the case of the revocation or of the reissuance of a revoked license. A certificate of license to replace any certificate lost, destroyed, or mutilated may be issued subject to the rules and regulations of the board.

"(c) The board may promulgate regulations prescribing penalties, in appropriate cases, in lieu of revocation of a contractor's license."

"§34-8-6. "(a) Any person, firm, or corporation not being duly authorized who shall engage in the business of general contracting in this state, except as provided for in this chapter, and any person, firm, or corporation presenting or attempting to file as its own the license certificate of another, or who shall give false or forged evidence of any kind to the board, or to any member thereof of the board, in obtaining a certificate of license, or who falsely shall impersonate another, or who shall use an expired or revoked certificate of license, and any person including an owner, architect, ~~or~~ engineer, construction manager, or awarding authority who receives, opens and reads aloud, or considers a bid from anyone not properly licensed under this chapter, or any licensed general contractor who constructs or is involved in the construction of any building intended for public ownership regardless of the method of financing including any lease purchase agreement with a public entity unless the building is constructed or improved pursuant to the competitive bid law, Title 39, Code of Alabama 1975, shall be deemed guilty of a misdemeanor and shall for each such offense of which he is convicted be punished by a fine of not less than \$500.00 five hundred dollars (\$500) or imprisonment of six months, or both fine and imprisonment, in the discretion of the court.

"(b) The submission of the contractor's current license number before considering the bid shall be sufficient evidence to relieve the owner, architect, engineer, ~~or~~ construction manager, awarding authority of any liability under this chapter.

"(c) It is provided, however, that with With respect to the letting and awarding of highway contracts under \$20,000.00, twenty thousand dollars (\$20,000) the highway director may issue proposal forms to

consider bids from and award contracts to all bidders, licensed or unlicensed, who fulfill the requirements set forth in chapters 1 and 2 of Title 39 of this Code."

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of Section 1 of this act amending Section 34-8-2(a), Code of Alabama 1975, shall not become effective until the effective date of an administrative regulation promulgated by the State Licensing Board for General Contractors pursuant to the Alabama Administrative Procedure Act and pursuant to Section 1 of this act, providing for bid limits in lieu of those provided for in that section. All other provisions of this act shall become effective immediately upon passage of the act and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO ADJOURN LOST

At 6:10 P.M., Senator Bailey moved that the Senate adjourn until Thursday, April 8, 1993, at 10 o'clock A.M., which motion was lost.

FURTHER CONSIDERATION OF SB 363

The Senate proceeded to further consideration of the Bill, SB 363. The question was on the Dixon substitute.

And said substitute was then adopted.

Yeas 32 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-32

Nays:

- 0

Senator Corbett offered the following amendment to the Bill, SB 363, as amended by the substitute, to-wit:

AMENDMENT TO SB 363, AS AMENDED

On page 7, line 2, remove the word "to"

On page 8, line 20, after the word "than" delete the words and figures "five hundred dollars (\$500)" and insert in lieu thereof:

two thousand dollars (\$2,000)

On page 9, line 1, delete the words "six months" and insert in lieu thereof:

one year

Which was adopted.

Yeas 21 Nays 1

Yeas:

Senators:

Barron, Bedsole, Bolling, Corbett, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -21

Nay: Senator Denton

- 1

And said Bill, SB 363, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 2
Abstaining 1

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Smith (B), Smith (J), and Wilson -23

Nays:

Senators:

Little and Parsons

- 2

Abstaining: Senator Windom

- 1

BUDGET ISOLATION RESOLUTION

Senator Amari, B.I.R., SB 162, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried,

Denton, Dial, Ellis, Escott-Russell, Floyd, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 162. Revising the application of the Abandoned Mine Reclamation Act by amending Sections 9-16-121 and 9-16-124 of the Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Hale, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, and Windom -24

Nays:

- 0

THE BILL:

S. 548. To amend Section 41-22-27, Code of Alabama 1975, relating to the Administrative Procedure Act, so as to provide that the Alabama department of environmental management shall fully comply with the provisions of the act.

was taken up.

On motion of Senator Barron, the Rules were suspended and further consideration of the Bill, SB 548, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Barron requested and received permission to suspend the Rules in order to bring up the Bill, SB 501.

Senator Barron, B.I.R., SB 501, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 501. Providing that the DeKalb County Commission shall appropriate a certain sum of money each fiscal year to the DeKalb County Rural Water Authority.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 157, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 157. To amend Section 11-6-23, Code of Alabama 1975,

relating to the state Highway Department's participation in the salary of county engineer trainees.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -26

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., SB 154, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 154. To authorize county and municipal corporations to allow individuals, civic groups, or community service organizations to maintain abandoned cemeteries and to authorize municipal corporations and counties to remove or cut weeds growing on abandoned cemeteries.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -26

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., SB 298, adopted.

Yeas 22 Nays 2

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial,
Dixon, Ellis, Escott-Russell, Figures, Ghee, Hale, Hill, Lindsey, Little,
Mitchell, Parsons, Smith (B), Smith (J), Waggoner, and Wilson -22

Nays:

Senators:

Corbett and Floyd - 2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 298. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Council on the Arts.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23 Nays 2

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial,
Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hale, Hill, Lindsey, Little,
Mitchell, Mitchem, Parsons, Smith (B), Smith (J), Waggoner, and
Wilson -23

Nays:

Senators:

Corbett and Floyd - 2

BUDGET ISOLATION RESOLUTION

Senator Mitchem requested and received permission to suspend the Rules in order to bring up the Bill, SB 284.

Senator Mitchem, B.I.R., SB 284, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Ellis,

Escott-Russell, Figures, Floyd, Foshee, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 284. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

was taken up.

The Standing Committee on Public Welfare reported the following substitute for the Bill, SB 284, to-wit:

SUBSTITUTE FOR 284

A BILL TO BE ENTITLED AN ACT

To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is provided to each person currently receiving benefits whose effective date of retirement was prior to October 1, 1992, for purposes of receiving benefits from the Teachers' Retirement System, and to certain beneficiaries of deceased members and deceased retirees currently receiving survivor benefits, if the effective date of retirement or death for the deceased retirees or deceased member was prior to October 1, 1992, for purposes of receiving benefits from the Teachers' Retirement System, a cost of living increase as follows:

(1) 1.28 percent of the current gross benefit paid to the retiree and to certain beneficiaries of deceased members and deceased retirees.

(2) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the retiree for each retiree selecting the maximum retirement allowance or option one.

(3) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the retiree reduced by the retiree's option election factor for each retiree selecting options two, three, or four.

(4) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Teachers' Retirement System.

(5) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the retiree for each retiree selecting the maximum retirement allowance or option one.

(6) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the retiree reduced by the retiree's option election factor for each retiree selecting options two, three, or four.

(7) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Teachers' Retirement System.

Section 2. (a) Commencing October 1, 1993, there is provided to certain persons identified in subsection (b) of this section who are currently receiving benefits, whose effective date of retirement was prior to October 1, 1992, for purposes of receiving benefits from the Employees' Retirement System, and to certain beneficiaries of deceased members and deceased retirees who are currently receiving survivor benefits if the effective date of retirement or death for the deceased member or retiree was prior to October 1, 1992, for purposes of receiving benefits from the Employees' Retirement System, a cost of living increase as follows:

(1) 1.28 percent of the current gross benefit paid to the retiree and to certain beneficiaries of deceased members and deceased retirees.

(2) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the retiree for each retiree selecting the maximum retirement allowance or option one.

(3) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the retiree reduced by the retiree's option

election factor for each retiree selecting options two, three, or four.

(4) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Employees' Retirement System.

(5) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the retiree and certain beneficiaries of deceased members and deceased retirees.

(6) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the retiree reduced by the retirees option election factor for each retiree selecting options two, three, or four.

(7) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Employees' Retirement System.

(b) The benefits provided in this section are limited to those retirees whose participation in the Employees' Retirement System was based on Section 36-27-6, Code of Alabama 1975, and whose employer at the time of retirement was a local board of education or a state supported institution of higher education. The benefits granted in this act shall not apply to any other participants in the Employees' Retirement System.

Section 3. (a) There is appropriated from the Alabama Special Educational Trust Fund to the Teachers' Retirement System of Alabama twenty million, six hundred and ten thousand, six hundred and forty-four dollars (\$20,610,644) for the fiscal year beginning October 1, 1993.

(b) There is appropriated from the Alabama Special Educational Trust Fund to the Employees' Retirement System thirty eight thousand, three hundred and twenty dollars (\$38,320) for the fiscal year beginning October 1, 1993, to partially defray the costs of this section as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System.

(c) Subsequent appropriations to the teachers' and employees' retirement systems shall be reduced to the amounts necessary to fund the increases in benefits provided in Sections 1 and 2 of this act in the fiscal years that the Legislature funds the cost of the increases.

Section 4. Any person who receives benefits under the Medicaid program and whose eligibility for the benefits would be impaired by the

cost of living increase provided by this act shall not be entitled to receive the increase. Any person who shall subsequently apply for benefits under the Medicaid program and have his or her eligibility to receive benefits impaired by the cost of living increase provided by this act, shall not be entitled to receive the increase subsequent to the date that the member files application for benefits under the Medicaid program.

Section 5. This act is supplemental. It shall be construed in pari materia with other laws regulating and providing for the payment of retirement benefits to certain retired members of the Teachers' Retirement System and certain retired members of the Employees' Retirement System. Notwithstanding the forgoing, those laws or parts of laws which are in direct conflict with this act are repealed.

Section 6. This act shall become effective October 1, 1993, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 27 Nays 1

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nay: Senator Corbett

- 1

And said Bill, SB 284, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28 Nays 0

Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

MOTION TO ADJOURN LOST

At 7:05 P.M., Senator Denton moved that the Senate adjourn until Thursday, April 8, 1993, at 10 o'clock A.M., which motion was lost.

Yeas 10 Nays 17

Yeas:**Senators:**Barron, Bolling, Denton, Ellis, Escott-Russell, Figures, Floyd, Hill,
Parsons, and Smith (B) -10**Nays:****Senators:**Bennett, Campbell, Corbett, Dial, Dixon, Foshee, Ghee, Hale, Lindsey,
Little, Mitchell, Mitchem, Owens, Smith (J), Waggoner, Wilson, and
Windom -17**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 272. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board, a nonprofit corporation, may elect to become members of the Teachers' Retirement System of Alabama and the State Employees' Health Insurance Plan; to provide that the Alabama Sports Hall of Fame Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

was taken up.

On motion of Senator Waggoner, the Rules were suspended, and further consideration of the Bill, SB 272, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Waggoner, B.I.R., SB 483, adopted.

Yeas 19 Nays 0
Abstaining 2**Yeas:****Senators:**Amari, Barron, Bennett, Bolling, Campbell, Dixon, Ellis,
Escott-Russell, Figures, Floyd, Foshee, Ghee, Lindsey, Mitchem,
Owens, Parsons, Waggoner, Wilson, and Windom -19**Nays:**

- 0

Abstaining:**Senators:**

deGraffenried and Hale

- 2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 483. To amend subsection (f) of Amendment No. 386 of the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by non-profit organizations for charitable and educational purposes, to further provide that the amounts of prizes shall not exceed the amounts set by local law.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 0
Abstaining 2

Yeas:

Senators:

Amari, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Lindsey, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom -21

Nays: - 0

Abstaining:

Senators:

Hale and Little - 2

BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., SB 421, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom -19

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 421. Relating to in-home services and equipment to persons with a developmental disability and families having a person with a developmental disability; to create the Individual and Family Support Program to provide those services and equipment; and to make the act

effective October 1, 1993, and to provide that the act shall continue after October 1, 1998, only if continued by an act of the Legislature.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom -19

Nays:

- 0

MOTION TO ADJOURN LOST

At 7:35 P.M., Senator deGraffenried moved that the Senate adjourn until Thursday, April 8, 1993, at 10 o'clock A.M., which motion was lost.

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B.I.R., SB 120, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 120. To prohibit any person from willfully or knowingly preventing, obstructing, impeding, disturbing, or interfering or the attempt to prevent, obstruct, impede, disturb or interfere or attempt to prevent, obstruct, impede, disturb or interfere with any person legally hunting, trapping, or fishing in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama; to provide for misdemeanor penalties for violating this act.

was taken up.

The Standing Committee on Judiciary/Criminal Justice and Public Safety reported the following substitute for the Bill, SB 120, to-wit:

SUBSTITUTE FOR SB 120

**A BILL
TO BE ENTITLED
AN ACT**

To prohibit any person from willfully or knowingly preventing, obstructing, impeding, disturbing, or interfering or the attempt to prevent, obstruct, impede, disturb, or interfere with any person legally hunting or trapping, in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama; to provide for misdemeanor penalties for violating this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. No person shall willfully and knowingly prevent, obstruct, impede, disturb, or interfere or attempt to prevent, obstruct, impede, disturb, or interfere with any person in legally hunting or trapping pursuant to the rules and regulations of the Department of Conservation and Natural Resources and the law of the State of Alabama.

Section 2. Activities prohibited by this act shall include, but not be limited to the following:

(a) Creating a visual, aural, olfactory, or physical stimulus intended to affect the natural behavior of the wild animal being hunted or trapped.

(b) Affecting the condition or location of personal property intended for use in the hunting or trapping.

Section 3. No person shall fail to obey the order of a peace officer to desist from conduct which violates this act.

Section 4. This act applies only to activities on lands upon which hunting or trapping may legally occur. This section does not apply to acts of a peace officer, owner of the lands or waters, or the tenant or other person acting under authority of the owner of the lands or waters. This act also does not prohibit verbal conduct protected under the First Amendment to the United States Constitution.

Section 5. Any person violating this act shall be guilty of a Class B misdemeanor and subject to imprisonment of not less than 10 days.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect that part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby expressly repealed and specifically those laws or parts of laws in Chapter 15 of Title 35 of the Code of Alabama only to the extent there is a direct conflict with this act.

Section 8. This act shall become effective immediately 90 days after its passage and approval by the Governor, or its otherwise becoming law.

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bennett, Bolling, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom -19

Nays:

- 0

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 120, as amended by the substitute, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 509, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Little, Owens, Parsons, Smith (J), and Windom -17

Nay: Senator Corbett

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 509. To amend Sections 40-25-4 and 40-25-8, Code of Alabama 1975, to remove wholesale dealers who are issued a permit by the Department of Revenue from the time limits for stamp affixation,

require that stamps be affixed prior to any sale, and to delete the requirement that products designated for the conduct of interstate business be kept separate from products designated for the conduct of intrastate business.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, Corbett, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Little, Mitchell, Owens, Parsons, Smith (J), and Windom -18

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Little, B.I.R., SB 507, adopted.

Yeas 12 Nays 6

Yeas:

Senators:

Bailey, Bennett, Bolling, Foshee, Hale, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -12

Nays:

Senators:

deGraffenried, Dixon, Floyd, Ghee, Lindsey, and Parsons - 6

BILLS ON THIRD READING RESUMED

THE BILL:

S. 507. To exempt all property owned and used by A. U. Hotel, Ltd. from any state, county, and local ad valorem taxes and to provide for a retroactive effect.

was taken up.

On motion of Senator Little, the Rules were suspended and further consideration of the Bill, SB 507, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., SB 286, adopted.

Yeas 12 Nays 6

Yeas:

Senators:

Bailey, Bennett, Bolling, Foshee, Hale, Little, Mitchell, Owens,
Smith (J), Waggoner, Wilson, and Windom -12

Nays:

Senators:

deGraffenried, Dixon, Floyd, Ghee, Lindsey, and Parsons - 6

BILLS ON THIRD READING RESUMED

THE BILL:

S. 286. To provide further for the devolution of an estate at death; to provide further for the duties and powers of a personal representative of an estate; to provide further for payment of expenses in estate litigation and employment of agents and employees of the estate; to provide for bonding requirements of a personal representative or special administrator; to repeal Sections 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, and 43-2-316, Code of Alabama 1975; and to provide that this act shall become effective January 1, 1994.

was taken up.

Senator Ghee offered the following amendment to the Bill, SB 286, to-wit:

AMENDMENT TO SB 286

On page 2, line 17, after the word "administrator;" insert the following: to provide for compensation of personal representatives;

On page 2, line 18, delete "and" after "43-2-315," after "43-2-316" insert the following: 43-2-680, and 43-2-681.

On page 15, between lines 23 and 24, insert the following new Section 19 and renumber the remaining sections:

Section 19. Compensation of Personal Representative.

(a) A personal representative is entitled to reasonable compensation for services as may appear to the court to be fair considering such factors that may include, but are not limited to, the novelty and difficulty of the administrative process, the skill requisite to perform the service, the likelihood that the acceptance of the particular employment will preclude other employment, the fee customarily charged in the locality for similar services, the amount involved and the results obtained, the requirements imposed by the circumstances and condition

of the estate, the nature and length of the professional relationship with the decedent, the experience, reputation, diligence, and ability of the person performing the services, the liability, financial or otherwise, of the personal representative, or the risk and responsibility involved, which shall not exceed two and one-half percent of the value of all property received and under the possession and control of the personal representative and two and one-half percent of all disbursements.

(b) In addition the court may allow a reasonable compensation for extraordinary services performed for the estate.

(c) If a will provides for compensation, or no compensation, of the personal representative either directly or conditionally and there is no contract with the decedent regarding compensation, the personal representative may renounce the provisions and if no alternate or successor personal representative is willing to serve for the compensation provided in the will for that personal representative, the personal representative in the order of priority provided in the will shall be entitled to reasonable compensation. A personal representative also may renounce the right to all or any part of the compensation. A renunciation may be filed with the court.

(d) Nothing in this section shall be construed to limit the right of a decedent or all affected beneficiaries to agree in writing with the personal representative, as to the amount or the method of determining the personal representative's compensation, which shall be binding on all parties if the appointment is accepted and the agreement is not unconscionable

On page 18, line 25, after "43-2-316," insert the following: 43-2-680, 43-2-681,

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom
-19

Nays:

- 0

And said Bill, SB 286, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 0

Yeas:**Senators:**

Bailey, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -19

Nays:**- 0****FURTHER CONSIDERATION OF SB 120**

The Senate proceeded to further consideration of the Bill, SB 120, as amended by the substitute.

Senator Corbett offered the following amendment to the Bill, SB 120, as amended by the substitute, to-wit:

AMENDMENT TO SB 120, AS AMENDED

On page 1, delete lines 22, 23, 24, and 25

On page 2, on line 7, delete the words "misdemeanor penalties", and insert in lieu thereof the word:

finer

On page 3, delete lines 3, 4, and 5, and insert in lieu thereof the following:

Section 5. Any person violating this act shall be fined not more than one hundred dollars (\$100).

Which was adopted.

Yeas 19 Nays 0**Yeas:****Senators:**

Bailey, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -19

Nays:**- 0**

And said Bill, SB 120, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), Wilson, and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., HB 437, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), Wilson, and Windom -20

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 437. To amend Section 11-62-1 of the Code of Alabama 1975, as amended, which defines terms used in the chapter pertaining to municipal special health care facility authorities, so as to expand the definition of "eligible investment," as used in that chapter.

was read a third time at length and passed.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), Wilson, and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 4, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon,

Ellis, Escott-Russell, Floyd, Foshee, Hale, Lindsey, Little, Mitchell,
Smith (J), Wilson, and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 4. To establish the Alabama Small Business Incubator Act of 1993 to promote and establish small business incubators and entrepreneurial service under the Alabama Department of Economic and Community Affairs.

was taken up.

The Standing Committee on Economic Affairs reported the following substitute for the Bill, SB 4, to-wit:

SUBSTITUTE FOR SB 4

**A BILL
TO BE ENTITLED
AN ACT**

To establish the Alabama Small Business Incubator Act of 1994 to promote, establish small business incubators and entrepreneurial service under the Alabama Department of Economic and Community Affairs, and make an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is appropriated from the State General Fund to the Alabama Department of Economic and Community Affairs for the 1993-1994 fiscal year the sum of seven hundred and fifty thousand dollars (\$750,000) to be used to create matching-funds grants for legal entities of the state, regional, municipal, or county governments for the purpose of promoting and establishing small business incubators and entrepreneurial services in Alabama.

Section 2. This act will be known as the "Alabama Small Business Incubator Act of 1994."

Section 3. As used in this act, the following words and phrases shall have the following meanings:

- (1) **ADVISORY COUNCIL.** A subcommittee of the committee.
- (2) **BASE FUNDS.** Any money not appropriated pursuant to

this act, that is used to match the state funds. Base funds may be federal, local, private, foundation grants, or money derived from any other source.

(3) **COMMITTEE.** The Regional Revolving Loan Policy Committee established by Act 90-650, S. 62, 1990 Regular Session.

(4) **CONTRACTUAL SERVICES.** Any services necessary for the implementation of and the administration of this act.

(5) **DEPARTMENT.** The Alabama Department of Economic and Community Affairs.

(6) **INCUBATOR.** A multitenanted facility characterized by shared business services, equipment, space, and access to on-premises business consultants.

(7) **LEGAL ENTITY.** Any authority, agency, regional planning and development commission, city government, county government or subdivisions thereof to which the state may grant funds.

(8) **SPONSOR.** Any entity that qualifies to make application for state funds and that enters into a written agreement with the committee to establish, operate, and administer a small business incubator or to provide funding to an organization that operates as a small business incubator.

(9) **STATE FUNDS.** The allocation of monies from the State General Fund to the department for the purposes of this act.

(10) **TENANT.** A sole proprietorship, partnership, or corporation that operates in a small business incubator.

Section 4. The committee is responsible for the implementation of this act, including, but not limited to:

(1) Assessing the current status of small business incubators in Alabama.

(2) Establishing criteria for the awarding of any grants.

(3) Reviewing and approving applications for grants.

(4) Creating an advisory council of knowledgeable entrepreneurial developers to assist the committee in establishing any policies and procedures pursuant to this act.

Section 5. The department shall establish policies and procedures

necessary to insure accountability of funds relative to state statutes and federal programs to which the funds may be pledged as a required match. The policies and procedures shall be reviewed and shall be approved or disapproved by the committee. The department shall promulgate and implement administrative rules, regulations, and procedures for the allocation of the appropriated general fund monies.

Section 6. The following grant programs shall be established:

(1) Feasibility study matching grants. As a necessary step in incubator start-ups, funds may be provided on a 50 percent state to 50 percent sponsor basis. Any feasibility study shall conform to the format established by the National Business Incubator Association. The maximum state funds for this purpose shall be ten thousand dollars (\$10,000).

(2) Technical assistance grants. Funds may be provided as deemed necessary by the committee.

(3) Capital outlay and operational matching grants. To offset operation costs related to beginning and maintaining a small business incubator for the first two years of operation. The maximum state funds for the first year shall be 50 percent of operational costs not to exceed seventy-five thousand dollars (\$75,000), and the second year shall be limited to 50 percent of that amount.

(4) Start-ups or expansion grants. Grants to provide for the renovation of start-ups or expansions of space in buildings or other buildings determined to be suitable for small business incubation purposes. The maximum participation for state funds for this purpose is 30 percent of the project amount, not to exceed two hundred thousand dollars (\$200,000) per grant.

(5) Construction grants. Grants to provide for the construction of new facilities. The maximum participation for state funds for this purpose is 30 percent of the project amount, not to exceed two hundred thousand dollars (\$200,000) per grant.

Section 7. The committee may use funds for the purpose of implementing and administering this act.

Legislative members of the committee may receive their regular legislative compensation for attendance of committee meetings. Other committee members shall be entitled to per diem and mileage allowances in the same amount as state employees receive as per diem and mileage allowance.

Section 8. Any portion of the monies that remains unexpended or

otherwise unused at the end of any fiscal year shall not revert to the State General Fund and shall be carried over for use by the committee in subsequent fiscal years.

Section 9. If state grant funds are not utilized for the purposes stated in the approved grant application within two years of the date of the grant award, then the disbursed grant funds shall revert to loans. Repayment of these funds shall be made in yearly principal and interest installments for five years at the New York Prime Rate at the time of notification by the department that the two year limit has expired. These loans may be repaid on a shorter schedule if the grantee so desires. Loan funds recouped by the department and grant funds obligated, but not disbursed, shall become available for other purposes pursuant to this act.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Corbett offered the following amendment to the substitute for the Bill, SB 4, to-wit:

AMENDMENT TO SUBSTITUTE FOR SB 4

Amend the substitute for Senate Bill 4 on page 5, lines 10 through 14 by deleting Section 8 in its entirety and renumbering all subsequent sections accordingly.

Which was adopted.

And said substitute, as amended, was then adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -22

Nays:

- 0

And said Bill, SB 4, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried,

Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -22

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., HB 246, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -22

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 246. To make a supplemental appropriation to the Alabama Department of Economic and Community Affairs in the amount of five hundred seventy-five thousand dollars (\$575,000) for the fiscal year ending September 30, 1993.

was taken up.

Senator Hale offered the following substitute for the Bill, HB 246, to-wit:

SUBSTITUTE FOR HB 246

**A BILL
TO BE ENTITLED
AN ACT**

To make supplemental appropriations to the Alabama Department of Economic and Community Affairs in the amounts of \$795,000 from the State General Fund and \$700,000 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1993 and to appropriate \$629,321 from the State General Fund for the fiscal year ending September 30, 1994.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all appropriations heretofore or hereafter

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made, there is hereby appropriated to the Alabama Department of Economic and Community Affairs from the State General Fund the sum of \$745,000 for the fiscal year ending September 30, 1993.

Section 2. The supplemental appropriation in Section 1 of this act to the Alabama Department of Economic and Community Affairs shall be expended for the following programs or projects in the following amounts:

- | | |
|--------------------------------------|-----------|
| a. Planning Program: | \$470,000 |
| b. The Birmingham Transit Authority: | \$250,000 |
| c. Atmore Rest Stop/Welcome Center: | \$25,000 |

Section 3. In addition to all other appropriations made to the Alabama Department of Economic and Community Affairs, there is appropriated to the department from the State General Fund the sum of \$50,000 for the fiscal year ending September 30, 1993 and the sum of \$629,321 for the fiscal year ending September 30, 1994.

Section 4. The appropriations provided to the Alabama Department of Economic and Community Affairs in Section 3 of this act shall be expended for a planning program in anticipation of federal funds to be received from the Economic Stimulus Program of the President of the United States for the State Community Development Block Grant Program and to administer and match those funds. In addition to the funds appropriated in Section 3, the department may also expend funds otherwise appropriated to it for the same purposes.

Section 5. In addition to all other appropriations made to the Alabama Department of Economic and Community Affairs, there is hereby appropriated \$700,000 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1993.

Section 6. The supplemental appropriations in Section 3 of this act are contingent upon receipt of the federal notice of funding from the Department of Housing and Urban Development for the Economic Stimulus Program.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are repealed.

Section 9. This act shall become effective immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -22

Nays:

- 0

And said Bill, HB 246, as amended by the substitute, was read a third time at length and passed.

Yeas 17 Nays 4

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Mitchell, Owens, Smith (J), Waggoner, and Windom -17

Nays:

Senators:

Amari, Corbett, Dixon, and Little

- 4

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B.I.R., HB 191, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Amari, Bailey, Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Owens, Smith (J), Waggoner, Wilson, and Windom -21

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 191. To further provide for the funding of Emergency Medical Services Programs; and to provide an appropriation for capital outlay and for the support and maintenance of the Emergency Medical

Services Programs for the fiscal year ending September 30, 1993.

was taken up.

On motion of Senator deGraffenried, the Rules were suspended, and further consideration of the Bill, HB 191, was postponed subject to the call of the Chair.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 39	SJR 65	SJR 57
SJR 40	SJR 66	SJR 58
SJR 42	SJR 46	SJR 68
SJR 43	SJR 48	SJR 69
SJR 60	SJR 49	SJR 73
SJR 61	SJR 50	SJR 74
SJR 62	SJR 52	SJR 71
SJR 63	SJR 56	

Delivered to the Governor, April 6, 1993, at 4:05 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 8:30 P.M., on motion of Senator Hale, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, April 8, 1993, at 10 o'clock A.M.

TWENTIETH LEGISLATIVE DAY

THURSDAY, APRIL 8, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Robert Wilson Jr., Fifth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Fred Cannon, Baldwin Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Foshee and Horn for today.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 13, 1993, at 2 o'clock P.M., which motion was adopted.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Windom:

S. 603. To amend Sections 32-13-2, 32-13-3, 32-13-4, and 32-13-6, Code of Alabama 1975, relating to motor vehicles deemed abandoned, to provide further for notice to the owner and certain lienholders by the person removing or storing a motor vehicle or by an automobile dealer, repair service, or wrecker service when a motor vehicle is left under certain conditions; to provide for notification of the sale of motor vehicles deemed abandoned and the posting or publication of notice of sale; and to add Section 32-13-9 to the Code of Alabama 1975, providing for the effect of failure to give notice pursuant to this act and for redemptions of motor vehicles deemed abandoned by owners and certain lienholders.

Committee on Small Business

By Senator Waggoner:

S. 604. To amend Sections 12-17-142 and 12-17-143, Code of Alabama 1975, relating to the terms of office and compensation of supernumerary clerks and registers and contributions to the clerks' and registers' supernumerary fund, to provide further for the compensation payable from the State Treasury, to increase the amount of contributions to the supernumerary fund, and to provide for an effective date.

Committee on Finance
and Taxation

By Senator Waggoner:

S. 605. To exempt The Compassionate Friends, Inc., from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by it from any state, county, and local ad valorem taxes.

Committee on Finance
and Taxation

By Senator Dixon:

S. 606. Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain reallocation of existing health care facility beds from one category to another from one of the meanings of new institutional health services for certificate of need review process purposes.

Committee on Health

By Senator Parsons:

S. 607. To create the Alabama Commission on Education Reform of 1993; to provide for its membership, powers, and duties; to make an appropriation for its expenses; and to provide for its termination.

Committee on Education

By Senator deGraffenried:

S. 608. Providing for a special civil cause of action for victims who are injured or suffered loss due to an act committed on them because of their actual or perceived race, religion, national origin, ethnicity, or disability, and providing for treble damages and attorney fees.

Committee on Judiciary/Civil

By Senator deGraffenried:

S. 609. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or disability.

Committee on Judiciary/Civil

By Senators Hale and Smith (J):

S. 610. To make an appropriation from the State General Fund

to the Huntsville Museum of Arts for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Select Committee on
Fiscal Responsibility

By Senator Owens:

S. 611. To repeal Article 5 (commencing with Section 22-6-60) of Chapter 6 of Title 22, Code of Alabama 1975; to repeal Article 3 (commencing with Section 40-26B-40) of Chapter 26B of Title 40, Code of Alabama 1975; provide for the refund to hospitals of certain payments; and to provide for disproportionate share payments due certain hospitals.

Committee on Small Business

By Senator Ellis:

S. 612. To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of Shelby County to pledge certain tax proceeds to secure the payment of certain obligations of the county and to provide that any such pledge shall not cause the obligations secured thereby to constitute indebtedness of the county for purposes of Section 224, as amended, of the Constitution of Alabama of 1901.

Committee on Local
Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

By Senator Mitchem:

S. 613. To provide that any person who has attained the age of 16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed serious criminal offenses, shall be charged, arrested, and tried as an adult, and that any person who has not attained the age of 16 years but who has attained the age of 14 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed criminal offenses, shall be subject to the jurisdiction of the juvenile court but shall be transferred to criminal court for criminal prosecution as an adult under certain circumstances; to specify the burden of proof and persuasion as well as certain additional criteria to be considered on the transfer question; to

provide further for written orders when the juvenile court does not order such persons transferred to criminal court; and to provide that persons tried in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless the prior trial in criminal court resulted in an acquittal of all charges.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Waggoner:

S. 614. To amend Section 13A-12-3, Code of Alabama 1975, to prohibit the sale or gift of any tobacco or tobacco product to a minor.

Select Committee on
Fiscal Responsibility

By Senator Bedsole:

S. 615. Requiring the Alabama Alcoholic Beverage Control Board to phase out operations concerning the retail sale of alcoholic beverages and granting these privileges to licensees of the board; granting certain powers to the board to facilitate the phase-out process, including the establishment of a fund from which certain moneys may be expended for phase-out costs; creating the Retail Sales of Liquor Market Zone Commission; authorizing market zones and designated areas within market zones and Class A and Class B retail licenses with respect thereto; regulating the number of Class A and Class B retail licenses and retail outlets in each market zone; establishing application requirements for retail licenses and identifying retail licensee qualifications and disqualifications; granting investigative powers; providing a license review and hearing procedure; establishing notice and bidding procedures and bonding requirements; providing a bid preference for displaced employees; providing for annual retail license fees and annual renewal of retail licenses; providing that each retail license shall expire in the year 2004 and each tenth year thereafter, prior to which time new retail licenses shall be issued by following the bidding and other procedures specified; requiring approval for the sale, assignment, or transfer of retail licenses and for the surrender of retail licenses; providing that certain existing retail licensees of the board may continue to sell liquor for off-premises consumption and prohibiting the sale or transfer of these licenses; providing for the levy of certain taxes on the purchase price paid by the retail licensee and the allocation of the proceeds of the tax; providing for the allocation of the proceeds of the tax on table wine; authorizing the levy of certain local sales taxes on liquor and providing for the distribution of the proceeds of the tax; levying a sales tax on certain liquor in certain counties; providing certain

consideration, treatment, and benefits for displaced employees; providing for the transfer of the audit division of the board; altering certain license fees and providing for license fees for Class A and Class B licensees; specifying remaining functions of the board; requiring the board to supply requested products to licensees; specifying the price the board will sell liquor to licensees; requiring the board to negotiate for the best possible price for all liquor obtained; creating the Products Selection Review Committee and prescribing its duties; requiring the board to convert to an inventory bailment system; providing for the distribution of certain payments delayed for inventory purposes; permitting the board to enter contracts for warehousing functions; conforming existing law with this act; amending Sections 28-1-4, 28-2-22, 28-3-43, 28-3-53.1, 28-3-207, 28-3-241, 28-3A-11, 28-3A-12, 28-3A-19, 28-3A-20, 28-3A-21, and 28-3A-22, Code of Alabama 1975; and repealing Sections 28-3-53.2, 28-3-74, 28-3-200, 28-3-201, 28-3-202, 28-3-203, 28-3-204, 28-3-205, 28-3-280, 28-3-281, 28-3-282, 28-3-283, 28-3-284, 28-3-285, and 28-3-286, Code of Alabama 1975.

Committee on Governmental
Affairs/State Administration

By Senator Mitchem:

S. 616. To amend Section 41-16-21, Code of Alabama 1975, to exempt from competitive bidding requirements contracts for the provision of social or related services entered into by the Department of Human Resources.

Committee on Finance
and Taxation

By Senator Bedsole (With Notice and Proof):

S. 617. Relating to Class 2 municipalities; to provide Class 2 municipalities and certain public corporations with certain powers to operate hotels and related facilities.

Committee on Local
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 617, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Dial (With Notice and Proof):

S. 618. Relating to Cleburne, Randolph, and Clay Counties,

creating the Emerald Triangle Commission and prescribing its duties and powers.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 618, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Dial:

S. 619. To require every state agency administering a federally funded employment and training program to include in each program a priority system for veterans and other eligible persons.

Committee on Governmental
Affairs/State Administration

RESOLUTIONS

Senator Sanders requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 86. COMMENDING COACH CATHY TRIMBLE, THE FRANCIS MARION GIRLS BASKETBALL TEAM AND FRANCIS MARION HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with heartiest congratulations that the Alabama Legislature commends the Francis Marion High School Girls Basketball Team on the spectacular success of the 1992-93 basketball season and their achievement in state competition; and

WHEREAS, the Francis Marion team, the first girls team in Perry County to compete in the championships, placed as runner-up to the Alabama High School Class 3A State Championship with an impressive 24-4 season record; and

WHEREAS, ably and expertly led by Coach Cathy Trimble, the talented team members are Leslye Essex, Estella Moore, LaShonna Howze, Zamika Essex, Shelicia Morton, Tuska Kynard, LaShawnon Moore, Latory Essex, Angie Parker, Sonya Hogue, and Sonya Anderson and Shirleather Hogue who were placed on the Class 3A All Tournament Team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That it is with great pleasure that we commend Coach Cathy Trimble, her outstanding team and Francis Marion High School on the extraordinary accomplishments of the 1992-93 basketball season, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 87. COMMENDING COACH DANNY CRENSHAW, THE FRANCIS MARION RAMS, AND FRANCIS MARION HIGH SCHOOL ON THEIR CHAMPIONSHIP BASKETBALL SEASON.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates Coach Danny Crenshaw, his 1993 Rams Basketball Team and Francis Marion High School on the State Class 3A Basketball Title; and

WHEREAS, under the talented direction and guidance of Coach Crenshaw and Assistant Coach Joseph Pettway, the Rams finished the season with an outstanding 30-3 record, defeating both Litchfield and Aliceville High Schools in the State Tournament Preliminaries, then downing the undefeated and top-ranked Winfield Pirates 82-75 for the State Championship; and

WHEREAS, special accolades should go to Chris Bell who participated in all the teams' practice sessions and all 33 games; Greg Tolbert who pulled down a state tournament record 51 rebounds; Elmer Collins who hit the winning basket in the area tournament, sending the Rams to state; and Aldred Reed and Derick Shaw whose contributions led greatly to the Rams' success; along with their talented teammates John Oliver, Kelvin Acoff, Johhy McCalpine, James Lucky, Katonio Crews, Takia Lapsley, Richard Moore, and Emmitt Jackson, all of whom are to be most heartily congratulated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coaches Danny Crenshaw and Joseph Pettway, the 1993 Rams and Francis Marion High School on the State Class 3A Championship, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Waggoner requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 88. COMMENDING SARALEE H. ROSENBERG FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

WHEREAS, it is with highest commendation and esteem that the Legislature of Alabama recognizes Mrs. Saralee H. Rosenberg, author and free-lance writer who has co-authored with her husband, Lee Rosenberg, two best selling relocation guides; and

WHEREAS, Mrs. Rosenberg interviewed virtually thousands of experts on how to effectively relocate; conducted in-depth interviews with hundreds of transplants with firsthand knowledge of the emotional, financial, and practical import of a relocation; and included her personal experiences in relocating, as she has relocated a dozen times and counting; and

WHEREAS, being a mother of three young children, Mrs. Rosenberg well understands the personal stress and financial demands placed on young mothers and their families today; and

WHEREAS, Mrs. Rosenberg, as a result of her experience and knowledge of relocation and places to retire, has selected the City of Vestavia Hills, Alabama, as one of the "50 Fabulous Places To Raise Your Family"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of Mrs. Rosenberg's expertise and her selection of Vestavia Hills, Alabama, as one of the "50 Fabulous Places To Raise Your Family," we hereby most highly commend Mrs. Saralee H. Rosenberg, author, free-lance writer, and mother, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Waggoner then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 89. COMMENDING DANIEL M. MURCHISON, JR., ON THE OCCASION OF HIS RETIREMENT FROM UNIVERSAL UNDERWRITERS GROUP.

WHEREAS, the Alabama Legislature, in noting the retirement, effective May 1, 1993, of Daniel M. Murchison, Jr., as Regional Sales

Manager for Universal Underwriters Group, also notes the many accomplishments of his career that spans a period of more than 29 years; and

WHEREAS, Dan Murchison of Birmingham, a native of Bessemer and a lifelong resident of Alabama, is a graduate of Bessemer High School, and of the University of Alabama where he received his degree in 1960; and

WHEREAS, Mr. Murchison, who joined Universal Underwriters on August 17, 1964, as an Account Executive, has served since his promotion on October 1, 1971, as Regional Sales Manager and, through great dedication and commitment to his employer, has been an invaluable part of the company's success, and the excellent reputation it enjoys within the insurance industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Daniel M. Murchison, Jr., of Birmingham, Alabama, on the occasion of his retirement from Universal Underwriters Group; we further most heartily congratulate Mr. Murchison on his accomplished career, and direct that he receive a copy of this resolution, executed in highest personal regard and with warm best wishes for every future success and happiness in life.

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Butler, Hall, Haney, Grayson, Sanderford, Freeman, Richardson, Carter, Starkey, Hamilton, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich,

Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 246. EXPRESSING SUPPORT FOR THE SPACE STATION FREEDOM PROJECT.

WHEREAS, the people of the United States of America have reaped tremendous benefits from their investments in manned space exploration; and

WHEREAS, the people of the United States of America remain committed to the idea of exploring the heavens and investigating other planets in our solar system; and

WHEREAS, the next logical step in the exploration of space is the development of space laboratories and living quarters capable of sustaining extended space-crewed missions; and

WHEREAS, America needs to stimulate interest in the pure sciences to improve its education system, and Space Station Freedom will inspire young Americans to pursue careers in math and science and excel by illustrating future opportunities; and

WHEREAS, Space Station Freedom will serve as a symbol of the new world order and an opportunity to focus our technical know how into joint international programs; and

WHEREAS, the Space Station Freedom program is the largest international venture in science and technology ever undertaken with 15 countries having already contributed over \$1 billion with commitments to spend over \$7 billion in the development program through a signed treaty agreement; and

WHEREAS, our investments in the space program and specifically in the Space Station Freedom Project will result in new medicines, materials, processes and technologies which will improve the quality of life on this planet and expand our economy in many ways which today can not be imagined; and

WHEREAS, our ability to compete in a global economy and develop new and innovative technologies has in large measure been commensurate with our investments in space exploration; and

WHEREAS, the Space Station Freedom Project is directly and indirectly responsible for the employment of 50,000 Americans involving 2,000 businesses in 30 states; and

WHEREAS, the aerospace industry, previously one of America's

most vibrant industries, accounting for over 10 percent of all United States exports, has suffered serious dislocation in the last three years with over 282,000 or 20 percent of the workforce having been laid off; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we would encourage the Congress of the United States of America and the President of this great land to support and fund the Space Station Freedom Project.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President and Vice-President of the United States and members of the Alabama Congressional Delegation.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (J), the Rules were suspended and the Resolution, HJR 246, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 90. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twentieth Legislative day and continuing on subsequent legislative days immediately upon adoption of this resolution.

S. 292

Architects, engineers, and licensed general contractors,
limitation re professional liability for construction

Page
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S. 293

Materialmen, limitation of liability for construction on real
estate, statute of limitation

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REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 286. To provide further for the devolution of an estate at death; to provide further for the duties and powers of a personal representative of an estate; to provide further for payment of expenses in estate litigation and employment of agents and employees of the estate; to provide for bonding requirements of a personal representative or special administrator; to provide for compensation of personal representatives; to repeal Sections 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, 43-2-316, 43-2-680, and 43-2-681, Code of Alabama 1975; and to provide that this act shall become effective January 1, 1994.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 463. Regulating the use of explosives; to create the "Alabama Explosives Safety Act of 1993"; to require that the commercial users of explosives be required to obtain a blasting license, and a local explosives use permit from the appropriate municipal issuing authority; to require certain persons to be certified as blasters; to provide a licensure procedure by the State Fire Marshal's Office; to require that certain records be maintained on blasting operations; to provide for the payment and expenditures of fees, civil penalties, grants, and appropriations collected and expended pursuant to this act, to provide that unexpended funds credited to the State Fire Marshal's Fund shall not revert to the General Fund to the State Treasury; to make certain exemptions; to provide for penalties for violations; to authorize administrative and civil remedies for violations; to establish standards relating to seismograph measurements; to provide for the issuance, refusal, suspension, revocation, or renewal of a blasting license, permit, or a certification for blasting under certain conditions; and to provide for certain emergency variations from the general provisions of this act.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 120. To prohibit any person from willfully or knowingly preventing, obstructing, impeding, disturbing, or interfering or the attempt to prevent, obstruct, impede, disturb, or interfere with any person legally hunting or trapping, in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama; to provide for fines for violating this act.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 383. To create the Infected Health Care Worker Management Act; to require reporting of an infected health care worker to the State Health Officer; to require an infected health care worker to submit to review by an expert review panel; to authorize the State Health Officer to undertake a review of the practice of an infected health care worker to determine if invasive procedures are performed by the worker; to authorize the creation of expert review panels and provide for their composition and duties; to authorize the State Health Officer to issue restrictions on the practice of the infected health care worker; to provide an appeal process; to authorize the monitoring of the practice of the infected health care worker and to require reporting of violations to the State Health Officer; to provide grounds for revocation, suspension, or restriction of infected health care workers licensed by licensing boards; to require infected health care workers and third parties with records or information to provide records or other information and to cooperate with an investigation; to provide immunity from civil and criminal liability for individuals, agencies, experts, and committees involved in the investigation of an infected health care worker; to create confidentiality standards and to provide for uses of the information gained during an investigation; to authorize promulgation of rules for administration of this act; to enable the State Board of Health to file suit in circuit court to compel compliance; and to provide penalties for violation of this act.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 368. To propose an amendment to the Constitution of Alabama of 1901 to repeal Amendment 339 and Amendment 448 of the Constitution of 1901. This bill would limit total appropriations from state funds in any fiscal year to the revenue collected for the fiscal year that ended one year prior to the commencement of the fiscal year for which said appropriations are being made; provide for a 1 year phase-in period for appropriations from the State General Fund and a 5 year phase-in period for appropriations from the Alabama Special Educational Trust Fund; provide a procedure for appropriation of balances; provide a procedure for supplemental appropriations during special sessions; provide a procedure for appropriations of revenue-raising measures; provide for the convening of the Legislature in two annual Regular Sessions; provide for special sessions; provide for the duration of legislative sessions and the legislative matters to be considered at said sessions; provide a procedure for the consideration of basic appropriation bills; provide a 24 hour notification of any Conference Committee report on appropriation bills prior to a vote being taken; provide for an automatic special session for budgets should they fail to be enacted in the first annual budget and revenue session; and provide a procedure for the Governor to prevent a deficit in any state fund. This bill will authorize the Legislature of Alabama to call itself into Special Session upon the submission of a sworn, signed petition to the Secretary of State. This bill would authorize the Legislature to make appropriations for multiple purposes in one or more general appropriation bills and to make appropriations to institutions that are not under the absolute control of the state. This bill will provide for a constitutional election on the proposed amendment.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 363. To amend Section 34-8-2, Code of Alabama 1975, re-

lating to application for licenses, fees, classifications of contractors, examination of applicants generally, certification of authority, renewal of licenses, limited licenses for particular projects, to delete the prior statutory maximum bid limits for contractors and to delegate to the State Licensing Board for General Contractors the authority to promulgate certain regulations relating to maximum bid limits and the corresponding ranges of net worth covered by each maximum bid limit; to amend Section 34-8-4, Code of Alabama 1975, relating to the revocation of licenses for certain offenses, charges, hearings, reissuance of revoked licenses, and lost licenses, to grant authority to the board to promulgate certain regulations providing for penalties for violations in lieu of revocation of a contractor's license; to amend Section 34-8-6, Code of Alabama 1975, relating to prohibited acts and penalties relating to persons prohibited from accepting bids from unlicensed contractors and to further prohibit the construction of buildings intended for public ownership by licensed general contractors and provide penalties; and to prohibit the announcements of certain bids received from unlicensed contractors.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 284. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 4. To establish the Alabama Small Business Incubator Act

of 1994 to promote, establish small business incubators and entrepreneurial service under the Alabama Department of Economic and Community Affairs, and make an appropriation.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 426. To provide for school attendance standards and the operation of motor vehicles by certain persons; and to provide a prospective effective date.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 252. Amending Section 41-9-141, Code of Alabama 1975, to allow the state building commission to charge user fees for services performed under Article 6, Chapter 9, Title 41, Code of Alabama 1975, and to appropriate the fees collected under this act.

DON HALE,
Chairperson.

FURTHER CONSIDERATION OF SR 90

The Senate proceeded to further consideration of the Resolution, SR 90.

On motion of Senator Hale, the Resolution was adopted by the Senate.

SPECIAL ORDER BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount,

and continuing order of business for today, the first of which was the Bill:

S. 292. Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of three years after a cause of action accrues or arises in certain cases; to provide that all causes of action and to all rights of action which accrue more than four years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

having been postponed on the Seventeenth Legislative Day. The question was on the Corbett amendment No. 2 to the Corbett amendment No. 1, which said amendments are set out in the Journal of the Senate for the Sixteenth Legislative Day.

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Owens:

S. 209. To repeal Sections 22-21-290, 22-21-291, 22-21-292, 22-21-293, 22-21-294, 22-21-295, 22-21-296, and 22-21-297, Code of Alabama 1975, known as "the Health Care Responsibility Act" which relate to the financial responsibility for indigent health care.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Substitute):

S. 9. Relating to motor vehicle licensing, registration, and taxation; to authorize the establishment of a County On-Line Operational Registration System, to be administered by the Department of Revenue, updating motor vehicle registrations on the state motor vehicle database; to amend Sections 32-6-61, 32-6-63, 32-6-65, 40-8-1, 40-12-240, 40-12-242, 40-12-248, 40-12-258, 40-12-261, 40-12-262, 40-12-265, 40-12-271, and 40-12-272, Code of Alabama 1975, to provide for the establishment and administration of the staggered registration system,

including various registration and licensing fees and the prescription of penalties, fines, and sanctions for violations; to authorize the Commissioner of Revenue to promulgate rules and regulations for the administration of Chapter 12 of Title 40, Code of Alabama 1975; to authorize certain funding for the County On-Line Operational Registration System; to appropriate revenue to the department for the administration of the system; to repeal Sections 32-6-72, 32-6-92, 40-12-259, 40-12-260, 40-12-264, 40-12-267, and 40-12-295, Code of Alabama 1975, in their entirety; and to provide delayed effective dates for the various provisions of this act.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 24. To prohibit the State Council on the Arts from providing grants of any state funds to the Alabama Symphony and to provide for the refund by the Alabama Symphony of any such grant funds received during the fiscal year beginning October 1, 1992.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Substitute):

S. 26. To amend Act No. 92-620 as passed during the 1992 Regular Session, which makes appropriations for the support, maintenance and development of public education in Alabama, for debt service and capital outlay by repealing the conditional appropriation made from the Alabama Special Educational Trust Fund to the State Council on the Arts for the Alabama Symphony; to require the refund of any funds allotted pursuant to said conditional appropriation and to make an appropriation to local boards of education for transportation equipment for the fiscal year ending September 30, 1993.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett:

S. 381. To amend Section 41-16-123 of the Code of Alabama

1975, to provide for the disposition of surplus personal property owned by a state college or university, including two-year colleges, and to provide for the disposition pursuant to an agreement between the division of property and colleges or universities by free and open competitive public auction or sealed bids.

By Senator Waggoner:

S. 384. To amend Section 36-27-15.2 of the Code of Alabama 1975, to increase the creditable service allowable and authorize credit for public education service in other states.

By Senator Denton:

S. 392. To amend Section 36-7-21, Code of Alabama 1975, relating to persons traveling outside the state on state business, to remove persons traveling out-of-state on behalf of a state postsecondary education institution from the requirement of authorization by the Governor.

By Senator Parsons:

S. 431. To allow the officers and employees of the American Federation of Teachers in Alabama to elect to participate in the Teachers' Retirement System.

By Senator Horn:

S. 517. Relating to the Teachers' Retirement System; reopening the system for purchase of up to six years of service credit by certain active members; providing for the manner of payment of the cost of the prior service credit and providing for the expiration of the reopening period.

By Senator deGraffenried:

S. 521. Relating to credits against state income tax liability; to provide a credit to employers who provide approved basic skills education programs to their employees beginning with the 1993 tax year.

By Rep. Walker:

H. 1. To exempt Alabama Goodwill Industries, Inc., Goodwill Industries of Mobile Area, Inc., and Goodwill Industries of Central Alabama, Inc., from the payment of all state, county, and municipal sales and use taxes.

By Rep. Laird:

H. 48. To further provide for the use of the proceeds of any

special ad valorem tax for fire protection purposes levied pursuant to an amendment to the Constitution of Alabama of 1901 proposed at the 1993 Regular Session; to provide for use of the revolving fund to be administered by the State Treasurer paid fire departments or paid fire districts for an advisory board to advise the State Treasurer; and to provide for the dissolution of fire departments and formation of new fire departments receiving proceeds of the special ad valorem tax.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 413. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1993.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Holley, Williams, Fuller, Starkey, Hammett, and Flowers:

H. 125. To allow employees in district attorney offices to purchase credit for service with a district attorney and to provide for an effective date.

By Rep. Harper:

H. 282. To establish a Teacher Education Scholarship Loan Program to provide for the education of certified, employed public school teachers to be trained in the use of integrating technology skills in the curriculum; and to repeal Sections 16-6A-11 to 16-6A-13, inclusive, and 16-23-18 to 16-23-23, inclusive, Code of Alabama 1975, relating to the undergraduate scholarship loan program and the Emergency Secondary Education Program.

By Rep. Harper:

H. 397. To provide further for certain sales tax exemptions, to amend section 40-23-4, Code of Alabama 1975.

By Reps. Freeman, Grayson, and Butler:

H. 625. To revise the procedural requirements for increasing

the number of city council districts in a Class 3 municipality.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

S. 568. To amend Sections 41-9-594 and 41-9-625, Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center Commission; to authorize the commission to adopt policies concerning arrest and criminal history information that conform to policies of the National Crime Information Center of the Federal Bureau of Investigation; to further provide for the maintenance and dissemination of arrest information; and for this purpose, to repeal Sections 41-9-639 and 41-9-641 of the Code of Alabama 1975.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Substitute):

S. 354. Relating to mental health and mental retardation; providing for the exercise of temporary custody of alleged mentally ill persons by law enforcement and community mental health officers at authorized health care facilities; authorizing the judge of probate to make a finding in order that the county might, with the approval of the county commission, adopt and be covered by the provisions of this act; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey:

S. 593. To amend Sections 16-8-10 and 16-11-18, Code of Alabama 1975, relating to the requirement that written educational policies of county and city boards of education be filed with the State Superintendent of Education.

By Reps. Harper and Fuller:

H. 335. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Sanders (With Amendment):

S. 490. To authorize local school boards to implement a mandatory student uniform dress program for all students in kindergarten to grade 12, inclusive.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dixon:

S. 547. To amend Sections 16-9-1, 16-9-2, 16-12-1, and 16-12-2, and to repeal Section 16-9-12, Code of Alabama 1975, relating to county and city superintendents of education; to standardize qualifications and requirements for the superintendents; to require an annual evaluation of the superintendents; and to propose a plan to phase out elected county superintendents.

By Senators Lipscomb and Denton:

S. 573. Permitting local boards of education to allow or encourage, or both, the reading or posting of certain historical and public documents in public schools and at school events; prohibiting certain content-based censorship; and requiring local boards to be notified.

Senator Bennett, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Substitute):

S. 585. To create the Alabama Commission on Education Re-

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form of 1993; to provide for its membership, powers, and duties; to make an appropriation for its expenses; and to provide for its termination.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem and Bailey:

S. 169. To amend Section 4 of Act No. 91-255, H. 72, 1991 Regular Session (Acts of Alabama 1991, p. 485), now appearing as Section 32-5B-4 of the Code of Alabama 1975, requiring the front seat occupants of a passenger car to wear a safety belt under certain conditions, to further provide an exception for a meter reader of a utility.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Lindsey and Foshee (With Substitute):

S. 555. To amend Section 32-9-20, Code of Alabama 1975, relating to size and weight restrictions of trucks operating on the state highways, to increase the length restriction if certain requirements are met.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Dixon:

S. 522. To provide for the regulation of consumer debt collectors, and provide penalties for violations.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Little, Dial, Hale, Barron, Foshee, Floyd, Corbett, Dixon,

Bolling, Campbell, deGraffenried, Parsons, Owens, Waggoner, Bennett, Horn, Lipscomb, and Smith (B) (With Amendment):

S. 544. To amend Section 25-5-50, Code of Alabama 1975, relating to the Workers' Compensation Law, to remove the exception to the exemption for employers constructing single-family residences so that the workers' compensation law would only apply to employers constructing single-family residences who regularly employ more than 5 employees.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey and Bedsole:

S. 546. To amend Section 40-9-1, Code of Alabama 1975, relating to ad valorem tax exemptions, to exempt personal property being purchased through rent-to-own contracts.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale:

S. 597. To amend Section 11-50-393 of the Code of Alabama 1975, relating to the formation of a gas district by two or more municipalities, to further provide for the directors' fees of the chair and members of the board of directors of the district.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Sanders (With Notice and Proof):

S. 591. Relating to Greene County, authorizing the county commission to levy an additional ad valorem tax in said county to be used for certain purposes and providing for a referendum.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had

acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Sanders (With Notice and Proof) (With Amendments):

S. 592. Relating to Greene County; to amend Section 17 of Act No. 376, H. 1040, 1975 Regular Session, as amended, to provide further for the distribution of funds received from the Greene County Racing Commission.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Sanders and Lindsey (With Notice and Proof):

S. 598. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolution, your signature thereto is requested.

H. 437. To amend Section 11-62-1 of the Code of Alabama 1975, as amended, which defines terms used in the chapter pertaining to municipal special health care facility authorities, so as to expand the definition of "eligible investment," as used in that chapter.

Also:

HJR 246. EXPRESSING SUPPORT FOR THE SPACE STATION FREEDOM PROJECT.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the

Senate, signed the foregoing Bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF SB 292

The Senate proceeded to further consideration of the Bill, SB 292. The question was on the Corbett amendment No. 2 to the Corbett amendment No. 1.

On motion of Senator Langford, the Rules were suspended and further consideration of the Bill, SB 292, and pending amendments, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Rockhold, Zoghby, McDowell, Gullatt, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, and Willis:

HJR 320. EXPRESSING CONCERN FOR REPRESENTATIVE JUNE BUGG.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolution, HJR 320, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Clark (J):

HJR 323. COMMENDING DR. WILLIAM D. MOORER UPON HIS RETIREMENT AS A MEMBER OF THE EUFAULA CITY BOARD OF EDUCATION.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolution, HJR 323, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF SB 292

The Senate proceeded to further consideration of the Bill, SB 292. The question was on the Corbett amendment No. 2 to the Corbett amendment No. 1.

PETITION

At 2:30 P.M., pursuant to the provisions of Senate Rule 21, the following petition was read and ordered spread upon the Journal, to-wit:

PETITION

We, the undersigned, hereby declare that debate on the Bill, SB 292, shall cease at 3:45 P.M. April 8, 1993.

CHIP BAILEY
WENDELL MITCHELL
ANN BEDSOLE
BILL SMITH
RYAN DEGRAFFENRIED
JIM SMITH
WALTER OWENS
ALBERT LIPSCOMB
LOWELL BARRON
GEORGE BOLLING

J. T. WAGGONER
ODELL V. HILL, JR.
GERALD DIAL
LARRY DIXON
JOHN E. AMARI
HINTON MITCHEM
BOBBY DENTON
B. DON HALE
FRANK C. ELLIS, JR.
DOUG GHEE

Which was adopted.

Yeas 22 Nays 7

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, and Windom -22

Nays:

Senators:

Bennett, Campbell, Corbett, Escott-Russell, Langford, Lindsey, and Wilson - 7

FURTHER CONSIDERATION OF SB 292

The Senate proceeded to further consideration of the Bill, SB 292. The question was on the Corbett amendment No. 2 to the Corbett amendment No. 1.

On motion of Senator Mitchell, said Corbett amendment No. 2 was laid on the table.

Senator Mitchell then offered the following substitute for the Corbett amendment No. 1 to the Bill, SB 292, to-wit:

SUBSTITUTE FOR CORBETT AMENDMENT NO. 1 TO SB 292

A BILL TO BE ENTITLED AN ACT

Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of three years after a cause of action accrues or arises in certain cases; to provide that all causes of action and to all rights of action which accrue more than ten years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions. As used in this act, the following words and phrases used herein shall have the following meaning ascribed to them:

(a) **BUILDER.** Any individual, partnership, firm, or corporation that constructed, or performed or managed the construction of, an improvement, or any portion thereof, on or to real estate, and at the time

of the construction was licensed as a general contractor in the State of Alabama.

(b) **ARCHITECT.** Any individual who, at the time the architectural services were performed, was legally qualified to practice architecture and held an unexpired registration as an architect in the State of Alabama; any partnership, corporation, professional corporation, or professional association which, at the time the architectural services were performed, was legally qualified to practice architecture in the State of Alabama; and all employees or agents of the registered architect or of his or her entity or firm acting under the instruction, control, or supervision of the registered architect.

(c) **ENGINEER.** Any individual who, at the time the engineering services were performed, was legally qualified to practice engineering and held an unexpired registration as a professional engineer in the State of Alabama; any individual who, at the time the engineering services were performed, was legally qualified to practice engineering and was certified as an engineer-in-training in the State of Alabama; any partnership, firm, or corporation which, at the time the engineering services were performed, was legally qualified to practice engineering and held an unexpired certificate of authorization to practice engineering in the State of Alabama; and all employees or agents of the registered engineer or of his or her entity or firm acting under the instruction, control, or supervision of the registered engineer.

(d) **"SUBSTANTIAL COMPLETION OF CONSTRUCTION OR CONSTRUCTION OF IMPROVEMENT."** The time at which the construction of the improvement on or to real estate is sufficiently completed so that the owner, tenant, or other person can occupy or utilize the improvement, or a designated portion thereof, for the use for which it is intended.

(e) **"CAUSE OF ACTION ACCRUES OR ARISES."** The time when a person is injured, including injury which results in death, or when property is damaged as a proximate result of a defect or deficiency in design, planning, testing, supervision, administration, or observation of construction of an improvement by an architect or engineer or in the construction of an improvement on or to real estate, constructed, performed, or managed by a builder; or where the damage or injury either is latent or by its nature is not discoverable in the exercise of reasonable diligence at the time of its occurrence, the claim for relief shall be deemed to arise or accrue at the time the damage or injury is or in the exercise of reasonable diligence should have been first discovered, whichever is earlier. The cause of action accrues or arises whether or not the full amount of damages is apparent at the time of the first injury or damage, and cannot be extended as a continuous wrong. Property damage shall include both physical damages to, and defective condition of, the property.

(f) **CONSTRUCTION, or CONSTRUCTED.** Includes building, constructing, erecting, fabricating, or assembling.

(g) **"IMPROVEMENT ON OR TO REAL PROPERTY."** Anything that is constructed on or to real property, whether on, under, or over land or water, that enhances the value of real property permanently for general uses, including, without limitation, buildings, structures, fixtures, walls, fences, locks, dams, embankments, bulkheads, docks, jetties, drilling and other platforms and rigs, highways, bridges, canals, ditches, waterways, railroads, sewers, pipelines, pole lines, storage tanks, machinery, equipment and other improvements, and any extension, alteration, addition, or portion thereof.

Section 2. (a) All civil actions in tort, contract, or otherwise against any architect or engineer performing or furnishing the design, planning, specifications, testing, supervision, administration, or observation of any construction of any improvement on or to real property, or against builders who constructed, or performed or managed the construction of, an improvement on or to real property designed by and constructed under the supervision, administration, or observation of an architect or engineer, or designed by and constructed in accordance with the plans and specifications prepared by an architect or engineer, for the recovery of damages for:

(i) Any defect or deficiency in the design, planning, specifications, testing, supervision, administration, or observation of the construction of any such improvement, or any defect or deficiency in the construction of any such improvement; or

(ii) Damage to real or personal property caused by any such defect or deficiency; or

(iii) Injury to or wrongful death of a person caused by any such defect or deficiency;

shall be commenced within three years next after a cause of action accrues or arises, and not thereafter. Notwithstanding the foregoing, no relief can be granted on any cause of action which accrues or would have accrued more than ten years after the substantial completion of construction of the improvement on or to the real property, and any right of action which accrues or would have accrued more than ten years thereafter is barred, except where prior to the expiration of such ten year period, the architect, engineer, or builder had actual knowledge that such defect or deficiency exists and failed to disclose such defect or deficiency to the person with whom the architect, engineer, or builder contracted to perform such service.

(b) This section shall apply to any civil action commenced against

an architect, engineer, or builder for his or her own act or omission or failure to act, for the act or omission or failure to act of his or her agents or employees, for the act or omission or failure to act of the corporation, partnership, association, or other entity with which the architect, engineer, or builder is employed or associated, or the act or omission or failure to act of the agents or employees of such entity, where such entities, agents, or employees are acting under the instructions, control, or supervision of the architect, engineer, or builder.

(c) This section shall apply and extend to every action or demand, whether commenced by direct action, action for contribution or indemnity, or by counterclaim, cross-claim, or third party practice and whether commenced by an owner of the improvement or any other person.

(d) This section shall not apply to, shall not be a defense for, and does not proscribe a cause or right of action against any architect, engineer, or builder who, at the time the cause of action accrues or arises, is the owner or is in actual possession or control as owner, tenant, or otherwise of the improvement.

(e) When the architect, engineer, or builder has been the owner or the person in actual possession or control, in whatever capacity, of the improvement during the ten year period after the substantial completion of construction of the improvement on or to real property, but not at the time the cause of action accrues or arises, the time of the ownership, possession, or control shall not be computed as a portion of the time necessary to create a bar for the action or of relief by virtue of the passage of time after the substantial completion of the improvement.

Section 3. Section 2 of this act shall be subject to all existing provisions of law relating to the computation of statutory periods of limitation for the commencement of actions, set forth in Sections 6-2-1, 6-2-2, 6-2-3, 6-2-5, 6-2-6, 6-2-8, 6-2-9, 6-2-10, 6-2-13, 6-2-15, 6-2-16, 6-2-17, 6-2-30 and 6-2-39(b), Code of Alabama 1975, as amended. Notwithstanding any provisions of Section 6-2-8, no disability set forth in Section 6-2-8 shall extend the period of limitations set forth in Section 2 of this act so as to allow such action to be commenced more than ten years after the cause of action accrues; provided further, that notwithstanding any provisions of such sections, no relief can be granted for any cause of action which accrued, and any right of action is barred which would have accrued, more than ten years after the substantial completion of construction of such improvement.

Section 4. This act shall not apply to civil causes of action in tort, contract, or otherwise, which accrued or arose prior to the effective date of this act.

Section 5. This act shall not be construed to create any cause of action against, or impose any liability on, any architects, engineers, or builders, or any licensed real estate brokers or salesmen, or any other persons.

Section 6. It is the purpose and intent of the Legislature in connection with all actions against architects and engineers, who perform or furnish the design, planning, specifications, testing, supervision, administration, or observation of the construction of an improvement on or to real property, and builders who construct, perform, or manage the construction of an improvement on or to real property designed by and constructed under the supervision, administration or observation of, or in accordance with the plans and specifications prepared by, an architect or engineer, to limit the time for commencement of an action to a period of three years from the date a cause of action accrues and to bar all causes of action and rights of action which accrue more than ten years after substantial completion of such improvement. The Legislature finds that this classification distinguishing architects, engineers, and builders is rationally and reasonably related to the legislative regulatory scheme and is valid. The Legislature has declared that the practices of architecture and engineering are subject to regulation and control in the public interest and has established high professional standards which must be met by architects and engineers to qualify them to practice architecture and engineering in the State of Alabama. These requirements imposed by the Legislature make the practices of architecture and engineering learned professions fully regulated and accountable to the state and members of the public. Regulation has also been imposed by the Legislature upon general contractors who construct such improvements on or to real property. Builders distinguished in this act are those licensed as general contractors who construct, or perform or manage the construction of, such improvements designed by and constructed under the supervision, administration or observation of, or in accordance with the plans and specifications prepared by an architect or engineer.

This act bears a reasonable relationship to the proposed legislative objective of limiting the period of liability for architects and engineers and builders whose professional services or work on improvements to real property generally ends at the time of substantial completion of the improvement. While protecting architects and engineers from exposure to liabilities for injuries and damages occurring long after the completion of their professional architectural and engineering services and builders as defined from exposure to liabilities for injuries and damages occurring long after the completion of their work, the act imposes no unfair burden on the injured party for he or she is still afforded an avenue of legal action to seek redress from those who are more likely to have been responsible for or could have prevented such injury.

It is the legislative intent and purpose to establish a single period

of limitation for all civil actions, whether in tort, contract or otherwise, commenced against architects and engineers and builders, which limitation period is three years from the date the cause of action accrues. This limitation period is equally applicable to actions in tort which currently must be commenced within two years from the date injury occurs, and those founded on contract which currently may be commenced within three years for oral contracts, six years for written contracts, or ten years for written contracts under seal after the completion of the contract work. The proposed three year statute extends the time for filing tort actions from two to three years, and further provides that the statute of limitation does not commence until the time of injury or damage, which extends the commencement of the time for filing contract actions, or where latent or by its nature not reasonably discovered, does not commence until the time of discovery--thereby applying for the first time to both these tort and contractual actions, the so-called "discovery rule." These changes accrue to the benefit of the injured party, and the Legislature finds that this benefit constitutes an adequate quid pro quo for abolishing rights of action which have not accrued within ten years of completion of their work.

It is the further legislative objective to provide for the abolishing of rights of action against architects and engineers and builders which would have accrued after the passage of ten years from the substantial completion of the construction of an improvement on or to real property, except rights of action for breach of written express warranties, contracts, or indemnities which extend beyond ten years. Where causes of action accrue during the ten years from completion, an action may be brought within three years of accrual even though this extends beyond the ten year period. This permits all injured parties a period of three years to file suit unless already barred because the cause of action accrues after the passage of ten years, which would in certain circumstances permit the filing of an action up to ten years after the completion of the improvement (or up to three years after the expiration of written express warranties, contracts, or indemnities).

The legislative objective of abolishing potential liabilities of architects and engineers and builders after the passage of a sufficient period of time from the completion of their work is rationally and reasonably related to the permissible state objective of removing responsibility from, and preventing suit against these regulated professions and builders which are least likely to be responsible or at fault for defects and deficiencies which cause injury long after their services or work is completed. The Legislature has deemed that, after a lapse of time of more than ten years without incident, the burden on the courts to adjudicate, the complexities of proof with the obstacle of faded memories, unavailable witnesses and lost evidence, and even where evidence is available, the opportunity for intervening factors such as acts or omissions of others in inadequate maintenance, improper use,

intervening alterations, improvements and services, and other negligence, and such as changes in standards for design and construction and changes in building codes, and the burden on architects and engineers and builders, who have no control over the improvements after their services are completed, to disprove responsibility after acceptance and years of possession by other parties, all weigh more heavily in favor of repose or the abolishing of rights of action against architects and engineers and builders than allowing adjudication of the few, if any, meritorious claims which might have accrued thereafter. The Legislature finds that the burden of tenuous claims upon both the courts and architects and engineers and builders sufficiently vindicates the denial of a right of action after the passage of a period of ten years from the substantial completion of the construction of the improvement.

Section 7. Nothing contained in this act shall be construed to limit or bar any cause of action or right of action against a manufacturer but not an architect, engineer, or builder as defined in this act of any product wherever assembled.

Section 8. Nothing contained in this act shall be construed to bar, prior to the expiration of a written express warranty, contract, or indemnity, causes of action or rights of action in contract against architects, engineers, and builders as defined in this act arising out of breach of contract for written express warranties, contracts, or indemnities which by the written terms thereof shall extend beyond the period of ten years after the substantial completion of construction of an improvements on or to the real property. Any written express warranty, contract, or indemnity for the purposes of an action in contract based upon the written express warranty, contract, or indemnity shall be enforceable for the period of time specified in writing, and all civil actions in contract arising out of the written express warranty, contract, or indemnity against any architect, engineer, or builder who gave the written express warranty, contract, or indemnity must be commenced within three years next after the cause of action accrues or arises, and not thereafter; and no relief can be granted and shall be barred on any cause of action which accrues after the expiration of the term or period of said written express warranty, contract, or indemnity.

Section 9. Nothing contained in this act shall be construed as affecting any period of limitation for any cause of action arising out of or relating to the sale or disposition of real estate, or against any person other than architects, engineers and builders as defined in this act.

Section 10. It is expressly provided that each section, subsection, clause, provision or portion of this act shall be construed as inseparable and nonseverable from all others, and in the event that any section, subsection, clause, provision or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction, the entire act

and each section, subsection, clause, provision or portion thereof shall be inoperative and have no effect.

Section 11. All laws or parts of laws which conflict with this act are, to the extent of such conflict, hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

And said Corbett amendment No. 1, as amended by the substitute, was then adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nays:

- 0

And said Bill, SB 292, as amended by the Corbett amendment No. 1, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nays:

- 0

On motion of Senator Mitchell, the Senate reconsidered the vote by which the Bill, SB 292, was passed.

On motion of Senator Mitchell, the Senate reconsidered the vote by which the Bill, SB 292, was ordered to its third reading.

Senator Mitchell then offered the following substitute for the Bill, SB 292, to-wit:

SUBSTITUTE FOR SB 292

Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of three years after a cause of action accrues or arises in certain cases; to provide that all causes of action and to all rights of action which accrue more than ten years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

PETITION

At 4:25 P.M., pursuant to the provisions of Senate Rule 21, the following petition was read and ordered spread upon the Journal, to-wit:

PETITION

We, the undersigned, hereby declare that debate on the Bill, SB 292, shall cease at 5:30 P.M. April 8, 1993.

WENDELL MITCHELL
BILL SMITH
CHIP BAILEY
JIM SMITH
ODELL V. HILL, JR.
FRANK C. ELLIS
J. T. WAGGONER
WALTER OWENS
ANN BEDSOLE

GERALD DIAL
ALBERT LIPSCOMB
LARRY DIXON
GEORGE BOLLING
RYAN DEGRAFFENRIED, JR.
BOBBY DENTON
B. DON HALE
HINTON MITCHEM
LOWELL BARRON

Which was lost, for failure to receive the required three-fifths vote of the members elected.

Yeas 20 Nays 5

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), and Waggoner

-20

Nays:

Senators:

Campbell, Corbett, Escott-Russell, Langford, and Lindsey

- 5

FURTHER CONSIDERATION OF SB 292

The Senate proceeded to further consideration of the Bill, SB 292. The question was on the Mitchell substitute.

ADJOURNMENT

At 5 o'clock P.M., on motion of Senator Mitchell, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, SB 292, the Senate adjourned until Tuesday, April 13, 1993, at 2 o'clock P.M.

Yeas 16 Nays 13

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dixon, Ellis, Hill, Lipscomb, Mitchell, Mitchem, Smith (B), Smith (J), Waggoner, and Windom

-16

Nays:

Senators:

Bennett, Campbell, Corbett, Dial, Escott-Russell, Floyd, Hale, Langford, Lindsey, Little, Owens, Parsons, and Wilson

-13

TWENTY-FIRST LEGISLATIVE DAY

TUESDAY, APRIL 13, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Gerald Dial, Thirteenth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Thomas Snowden, Thompson High School, Alabaster, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-33

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Floyd and Horn for today.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 15, 1993, at 10 o'clock A.M., which motion was adopted.

**UNFINISHED BUSINESS
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 292. Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of three years after a cause of action accrues or arises in certain cases; to provide that all causes of action and to all rights of action which accrue more than four years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

and pending Mitchell substitute, which said substitute was offered on the Twentieth Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 246. To make supplemental appropriations to the Alabama Department of Economic and Community Affairs in the amounts of \$795,000 from the State General Fund and \$700,000 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1993 and to appropriate \$629,321 from the State General Fund for the fiscal year ending September 30, 1994.

**GREG PAPPAS,
Clerk.**

FURTHER CONSIDERATION OF SB 292

The Senate proceeded to further consideration of the Bill, SB 292. The question was on the Mitchell substitute.

Senator Corbett offered the following substitute for the Mitchell substitute for the Bill, SB 292, to-wit:

SUBSTITUTE FOR MITCHELL SUBSTITUTE FOR SB 292

Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of three years after a cause of action accrues or arises in certain cases; to provide that all causes of action and to all rights of action which accrue more than thirty years or the duration of the indebtedness whichever is longer after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

Senator Hale moved that the Rules be suspended and further consideration of the Bill, SB 292, and pending substitutes, be postponed temporarily.

On motion of Senator Bedsole, said motion to postpone was laid on the table.

Yeas 19 Nays 9

Yeas:

Senators:

Bailey, Barron, Bedsole, deGraffenried, Denton, Dial, Dixon, Ellis, Ghee, Hill, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), Waggoner, and Windom
-19

Nays:

Senators:

Campbell, Corbett, Escott-Russell, Figures, Hale, Langford, Lindsey, Parsons, and Wilson
- 9

PETITION

At 4:05 P.M., pursuant to the provisions of Senate Rule 21, the following petition was read and ordered spread upon the Journal, to-wit:

PETITION

We, the undersigned, petition the Senate, pursuant to Senate Rule

21, that debate on the pending measure, SB 292, shall cease at 4:40 P.M., on April 13, 1993.

WENDELL MITCHELL
GERALD DIAL
B. DON HALE
WALTER OWENS
ALBERT LIPSCOMB
J. T. WAGGONER
LARRY D. DIXON
JOHN E. AMARI
ANN BEDSOLE
GEORGE R. BOLLING

RYAN DEGRAFFENRIED, JR.
JIM SMITH
HINTON MITCHEM
BOBBY DENTON
ODELL V. HILL, JR.
CHIP BAILEY
LOWELL BARRON
FRANK C. ELLIS, JR.
BILL SMITH

Which was lost, for failure to receive the required three-fifths vote of the members elected.

Yeas 20 Nays 6

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), Smith (J), and Waggoner -20

Nays:

Senators:

Campbell, Corbett, Escott-Russell, Figures, Langford, and Lindsey - 6

FURTHER CONSIDERATION OF SB 292

The Senate proceeded to further consideration of the Bill, SB 292. The question was on the Corbett substitute for the Mitchell substitute.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 292, and pending substitutes, was postponed temporarily.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 293. Relating to all civil actions in tort, contract, or otherwise against materialmen who provide labor, material, and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than

four years after the substantial completion of construction of an improvement on or to the real property; to provide for an exception to the bar to relief with respect to actions accruing more than four years after the substantial completion of construction of an improvement on or to real property where there is a written express warranty or indemnity which by the written terms thereof shall extend beyond the period of four years; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; and to provide that this act does not create any cause of action against materialmen or any other persons.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 293, was postponed temporarily.

RESOLUTIONS

Senator Dixon requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 91. COMMENDING VAUGHN ROAD ELEMENTARY SCHOOL, RECIPIENT OF RED BOOK MAGAZINE'S AMERICA'S BEST SCHOOLS PROJECT AWARD.

WHEREAS, it is with the highest commendation that the Alabama Legislature most heartily congratulates Vaughn Road Elementary School as a winner of Red Book Magazine's America's Best Schools Project Award; and

WHEREAS, the award, given this year to only 177 schools nationwide, is in recognition of a program entitled "Project: CLASS (Cooperative Learning for Achievement and Student Success)"; the program, created by Vaughn Road teacher Sharon Sewell and supported by school principal Dorothy Moore, allows children to choose a class not ordinarily included in the typical school curriculum, exposing students to a wide range of academic and recreational activities; and

WHEREAS, winning an award of this magnitude would not have been possible without the tireless and unselfish support of the teachers, parents, and business leaders of the Montgomery community who have given their time and effort in making Vaughn Road Elementary School a beacon of excellence to our state and our nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the students, teachers, and parents of Vaughn Road Elementary School on winning Red Book Magazine's America's Best

Schools Project Award, an achievement which has brought honor and distinction to our state, and do further direct that copies of this resolution be forwarded to Principal Dorothy Moore and Sharon Sewell for appropriate presentation and school display.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Wilson requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 92. DESIGNATING APRIL 25, 1993, AS WORKERS' MEMORIAL DAY.

WHEREAS, the working men and women of this state will honor and remember American workers who have been injured on the job, permanently disabled, or died due to work-related accidents or exposure to dangerous substances; and

WHEREAS, Workers' Memorial Day is an occasion for all Alabamians to honor those persons who have died or been injured while contributing to the economic vitality of our state and country and pursuing a better quality of life for their families and themselves; and

WHEREAS, the labor and business communities and all Americans should renew and intensify efforts to improve health and safety in all American workplaces so that all workers of this state and country may perform their jobs in a safe and healthy environment; now therefore,

BE IT RESOLVED BY BOTH HOUSES OF THE LEGISLATURE OF ALABAMA, That in honor of those workers in Alabama who have lost their lives or suffered workplace injury or disease, we designate April 25, 1993, as Workers' Memorial Day in the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the West Alabama Labor Council as an acknowledgement of its efforts in connection with this day of observance and their contributions to our state.

On motion of Senator Wilson, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bolling requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 93. CONGRATULATING MRS. ELLA HOLLIS RACHEL ON THE OCCASION OF HER 111TH BIRTHDAY.

WHEREAS, it is with special recognition that the Alabama Legislature notes the 111th birthday of Mrs. Ella Hollis Rachel on April 3, 1993; and

WHEREAS, "Miss Ella," as Mrs. Rachel is affectionately known, a native and resident of Sulligent, is the oldest living person in Lamar County and possibly in the State of Alabama, and is the only living child of the 13 children of Phil Hollis, a preacher, and Leatha Watson Hollis, a freed slave at 10 years of age; and

WHEREAS, "Miss Ella" married Charlie Rachel of Kirkland, Georgia, and they were the loving parents of Mrs. Lodell Smith, Thelma Fleming, and Charlie Rachel, Jr., and "Miss Ella," who lost her beloved husband, Charlie, Sr., in 1922, is the proud grandmother of over 25 grandchildren and a host of great- and great-great grandchildren; and

WHEREAS, Ella Hollis Rachel, while rearing her children, worked as a homemaker and farmer and is proud that in her younger days she was one of the fastest cotton pickers around and a good hoe hand; and

WHEREAS, the stately and widely admired matriarch of four generations lives alone, continues to prepare her own meals on a wood cookstove, and is a bright and articulate conversationalist and shares the vignettes of her extraordinary life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join the entire family and community of Sulligent in extending heartiest congratulations to Ella Hollis Rachel on the occasion of her 111th birthday, April 3, 1993.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to "Miss Ella" that she may know of our congratulations and sincere best wishes for continued good health, much happiness, and joy.

On motion of Senator Bolling, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Waggoner requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 94. COMMENDING MR. LONNIE DANIEL OF HOOVER, ALABAMA.

WHEREAS, Mr. Lonnie Daniel is indeed well suited and qualified as a representative to the Alabama Silver Haired Legislature, which pro-

vides a voice for seniors in our state and offers training and experience in the political process; and

WHEREAS, Mr. Daniel brings a wealth of experience and service to the position from a lifetime career of working with and for people as a manager, professional negotiator, convention organizer and editor in the telecommunications industry, and from his years of dedicated service to the citizens of Hoover and most especially on behalf of its senior citizens; and

WHEREAS, a resident of Hoover for more than 18 years, Mr. Daniel has provided leadership and support to numerous civic, service, and religious organizations over the years, including the National Council of Senior Citizens, the Southern Area Democratic Club, the Birmingham Optimist Club, the First Baptist Church of Hoover, United Way, and in the area of public health as President Emeritus of the Central Alabama Coalition for a National Health System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service and as a member of the Silver Haired Legislature, we hereby most highly commend Mr. Lonnie Daniel of Hoover, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

On motion of Senator Waggoner, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO ADJOURN LOST

At 4:50 P.M. Senator Corbett moved that the Senate adjourn until Thursday, April 15, 1993, at 10 o'clock A.M., which motion was lost.

Yeas 5 Nays 17

Yeas:

Senators:

Corbett, Escott-Russell, Hale, Lindsey, and Sanders

- 5

Nays:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Dial, Ellis, Lipscomb, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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BILL RE-REFERRED

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the Bill,

SB 603, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, SB 603, re-referred to the Standing Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 76. COMMENDING COACH DOUG KEY AND THE CHATTAHOOCHEE VALLEY STATE COMMUNITY COLLEGE BASKETBALL TEAM ON ITS CHAMPIONSHIP SEASON.

Also:

SJR 86. COMMENDING COACH CATHY TRIMBLE, THE FRANCIS MARION GIRLS BASKETBALL TEAM AND FRANCIS MARION HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

SJR 87. COMMENDING COACH DANNY CRENSHAW, THE FRANCIS MARION RAMS, AND FRANCIS MARION HIGH SCHOOL ON THEIR CHAMPIONSHIP BASKETBALL SEASON.

Also:

SJR 88. COMMENDING SARALEE H. ROSENBERG FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

SJR 89. COMMENDING DANIEL M. MURCHISON, JR., ON THE OCCASION OF HIS RETIREMENT FROM UNIVERSAL UNDERWRITERS GROUP.

Also:

SJR 77. CONGRATULATING THE CHEROKEE COUNTY HIGH SCHOOL LADY WARRIORS ON THE 1993 STATE CLASS 4A BASKETBALL CHAMPIONSHIP.

Also:

SJR 78. COMMEMORATING THE LIFE AND SERVICE OF THE LATE ROY KNAPP OF CENTRE, ALABAMA.

Also:

SJR 79. COMMENDING DELTACOM FOR ITS CONTRIBUTIONS TO PUBLIC EDUCATION.

Also:

SJR 80. CONGRATULATING COLONEL AND MRS. WILLIAM R. LAWLEY, JR., ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

SJR 81. COMMENDING CAMILLE WRIGHT COOK FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE UNIVERSITY OF ALABAMA SCHOOL OF LAW.

Also:

SJR 84. COMMENDING THE CANADIAN FORCES SNOW-BIRDS.

Also:

SJR 85. MOURNING THE DEATH OF MRS. SYBIL HUEY SMITH LEBHERZ OF FORT WALTON BEACH, FLORIDA.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. McDaniel, Hall, Haynes, Higginbotham, Cosby, Laird, Clark (J), Beasley, Carter, Smith (C), Petelos, Knight (A), Bryant, Carns, Lindsey, Turnham, Curry, Layson, Richardson, McMillan, McKee, Butler, Rogers (F), Gaston, Kvalheim, Sanderson, Gaines, Parker (T), Rich, Walker, Gullatt, Blakeney, Cullins, Hamilton, Powell, Hooper, Rockhold, Bugg, Venable, Haney, Newton (C), Smith (R), Sanderford, Flowers, Burke, Turner, Hill, Hawkins, Letson, Willis, Morton, Box, Starkey, Hammett, Mathis, Mikell, Clay, Melton, Johnson, and Biddle:

H. 352. To prohibit and make unlawful certain campaign con-

tributions to candidates for judicial office; and to provide for criminal penalties.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 352 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. McDaniel, Harper, Hall, Harvey, Clark (J), Zoghby, Laird, Cosby, Beasley, Carter, Smith (C), Petelos, Knight (A), Carns, Lindsey, Curry, Richardson, Layson, McMillan, McKee, Butler, Cullins, Bryant, Kvalheim, Gaston, Sanderson, Parker (T), Rich, Walker, Blakeney, Hamilton, Powell, Hooper, Rockhold, Collins, Bugg, Haney, Newton (C), Smith (R), Sanderford, Flowers, Burke, Turner, Turnham, Rogers (F), Hill, Hawkins, Letson, Willis, Morton, Starkey, Mathis, Carothers, Clay, Melton, Johnson, and Biddle:

H. 353. To provide full disclosure of attorney's fees information in civil actions.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 353 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Reps. Hooper, Hawkins, Hammett, Clark (J), McMillan, Ford, Bowling, McDaniel, Beasley, Hamilton, Carter, Burke, Rich, Gaines, Carns, Higginbotham, Harper, and Clay:

H. 404. To enact into law the current common law doctrine known as the Alabama Extended Manufacturer's Liability Doctrine and limit causes of action against distributors, wholesalers, dealers, or retail sellers of products which are alleged to be defective to those situations in which a party is also the manufacturer, assembler of the product, or the maker of a component part of the final product.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 404 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 609. To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 609 - to the Committee on Energy and Natural Resources

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDaniel, Harper, Hall, Harvey, Clark (J), Hammett, Zoghby, Laird, Cosby, Beasley, Carter, Smith (C), Petelos, Knight (A), Carns, Fuller, Lindsey, Curry, Layson, Richardson, McMillan, McKee, Butler, Bryant, Gaston, Kvalheim, Sanderson, Gaines, Parker (T), Rich, Walker, Gullatt, Blakeney, Cullins, Hamilton, Powell, Hooper, Rockhold, Collins, Haney, Newton (C), Smith (R), Sanderford, Flowers, Burke, Turner, Turnham, Rogers (F), Hill, Hawkins, Letson, Willis, Morton, Box, Starkey, Mathis, Carothers, Mikell, Clay, Melton, Johnson, and Biddle:

H. 354. To enact "The Punitive Damages Reform Act of 1993"; to further provide for punitive damages in civil actions with certain exceptions; and to repeal Sections 6-11-21 and 6-11-27, Code of Alabama 1975.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 354 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Sanderford, Haney, Richardson, and McKee:

H. 355. To authorize any Class 3 municipality to acquire, construct, own, lease, sell, operate, and upgrade one or more cable communications systems and related facilities within its service areas to provide cable services and service-related activities in its service area; and to authorize any Class 3 municipality to enter into management agreements with private companies with respect to cable communications

systems and to lease or sell cable communications systems and related facilities to private companies.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 355 - to the Committee on Governmental Affairs/Local Government

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hamilton, Carter, Laird, Burke, Harvey, Haney, Smith (R), Anderson, Morrow, Turner, Hall, Butler, and Lindsey:

H. 411. Relating to mussel catcher's license fees and assessments on the purchase of freshwater mussels; to amend Section 9-11-372 of the Code of Alabama 1975, to provide for both a resident and nonresident mussel catcher's license; to further provide for the fees for licenses; to provide for a fee for certain mussels taken from Alabama waters; and to provide for certain misdemeanor penalties related thereto.

Also:

By Rep. Carothers:

H. 613. To amend Section 11-42-5 of the Code of Alabama 1975, by providing for the validation of annexation by Class 5 municipalities.

Also:

By Reps. Carothers and Mathis:

H. 704. Relating to any Class 5 municipality; providing for the appointment of the city board of education from districts corresponding

to the city governing body districts and the manner of their appointment and one from the city at-large, appointed by the mayor.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 411, 613, and 704 - to the Committee on Governmental
Affairs/State Administration

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner:

H. 318. To amend Section 32-5A-195 to provide that court hearings be held in circuit court.

Also:

By Reps. Newton (D), Payne, Hawkins, Carns, Petelos, Sanderson, Escott-Russell, Curry, Rogers (J), Perdue, McClain, Barnes, Spratt, Rogers (F), and Biddle:

H. 517. To exempt the 44th National Square Dance Convention, Inc., from the payment of all state, county, and municipal sales and use taxes.

Also:

By Rep. Haynes:

H. 567. To amend Section 36-22-63, Code of Alabama 1975, relating to the purchase of prior service credit for participation in the supernumerary sheriff's program, to extend the time within which such a purchase may be made.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 318, 517, and 567 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Sanderson, Petelos, and Gaines:

H. 109. Relating further to issuing and renewing driver's permits and licenses for motor vehicles; to prohibit the Department of Public Safety from refusing to issue, or renew, or revoke the permit or license for the operation of a motor vehicle based only on physical appearance, speculations or generalizations that the physical impairment would impede the individual's ability to operate the vehicle in a safe manner; and to provide for civil procedure for an aggrieved applicant, with an appeal to the circuit court.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 109 - to the Select Committee on Fiscal Responsibility

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Campbell:

H. 93. To amend Sections 41-22-5, 41-22-6, 41-22-12, 41-22-

20, 41-22-22, and 41-22-23 of the Code of Alabama 1975, the Alabama Administrative Procedure Act; to provide further for the notice and comment period for rulemaking, time period for adoption during rulemaking, and the time period for review by the legislative committee; to provide in contested cases for limited discovery and the issuance of subpoenas in contested cases under certain circumstances; and to provide further for judicial review from contested cases.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 93 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Powell:

H. 688. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the several local boards of education for the fiscal year ending September 30, 1993.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 688 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner:

H. 105. Amending Sections 12-17-145 and 12-17-161, Code of

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21st Day**

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Alabama 1975, to allow certain court clerks and registers to elect to participate in the supernumerary fund by a certain deadline.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 105 - to the Committee on Governmental Affairs/State Administration

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carter and Hammett:

H. 311. To provide further for the regulatory power of the Public Service Commission over tariffs, charges, schedules of rates, contracts, and reporting by house movers or other carriers of houses and other intact buildings; to amend Section 37-3-4 of the Code of Alabama 1975, to remove house movers or motor carriers of houses and other intact buildings from the requirement to file tariffs, showing all rates, fares, contracts, and schedules of charges, or the establishment or participation in any published rates, related to transporting a house or other intact building, for transportation with the Public Service Commission; to require that motor carriers of houses and other intact buildings shall comply with the remaining provisions of Chapter 3 of Title 37 of the Code of Alabama 1975.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 311 - to the Committee on Commerce, Transportation, and Utilities

RULES SUSPENDED

On motion of Senator Corbett, the Rules were suspended in order to allow the Standing Committee on Confirmations to report out of order.

REPORTS FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Promotion of Brigadier General Fred H. Casey to the grade of Major General

On motion of Senator Foshee, the promotion of Brigadier General Casey was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Promotion of Colonel Joseph W. Camp, Jr. to the grade of Brigadier General

On motion of Senator Smith (B), the promotion of Colonel Camp was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

**REGULAR SESSION
21st Day**

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Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. James C. Cox to the Alabama State
University Board of Trustees

On motion of Senator Sanders, the appointment of Mr. Cox was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Toreatha Johnson to the Alabama State
University Board of Trustees

On motion of Senator Corbett, the appointment of Mrs. Johnson was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Sam Darwin to the Foreign Trade
Relations Commission

On motion of Senator Corbett, the appointment of Mr. Darwin was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Edward White to the Foreign Trade Relations Commission

On motion of Senator Corbett, the appointment of Mr. White was confirmed by the Senate.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 208. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners For Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-21 and 34-28A-40, Code of Alabama 1975, so as to provide further for the qualifications of applicants for licensure by the board, and to require that not more than one member from any United States Congressional District shall be appointed to serve on the board at the same time.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolutions, your signature thereto is requested.

HJR 323. COMMENDING DR. WILLIAM D. MOORER UPON HIS RETIREMENT AS A MEMBER OF THE EUFAULA CITY BOARD OF EDUCATION.

Also:

HJR 320. EXPRESSING CONCERN FOR REPRESENTATIVE JUNE BUGG.

Also:

H. 246. To make supplemental appropriations to the Alabama Department of Economic and Community Affairs in the amounts of \$795,000 from the State General Fund and \$700,000 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1993 and to appropriate \$629,321 from the State General Fund for the fiscal year ending September 30, 1994.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Dixon:

S. 606. Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain reallocation of existing health care facility beds

from one category to another from one of the meanings of new institutional health services for certificate of need review process purposes.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Campbell:

H. 95. Proposing an amendment to the Constitution of Alabama of 1901 that would allow the Legislature to pass local legislation applicable to Calhoun County to change the method and procedure for effecting the sale of lands for the payment of delinquent taxes.

The above Bill was read a second time at length as required by the Constitution.

By Senators Parsons, Amari, Hale, Denton, Lindsey, deGraffenried, Windom, Floyd, Horn, Bolling, Wilson, Bailey, Bedsole, Bennett, Campbell, Little, and Foshee:

S. 143. Providing for an election for a constitutional convention to revise and amend the Constitution of Alabama of 1901.

The above Bill was read a second time at length as required by the Constitution.

By Senator Langford:

S. 358. Relating to the conduct of elections; amending Sections 17-6-13 and 17-7-5.1, Code of Alabama 1975, to increase the compensation of poll workers and to increase the hours polling places are open.

By Senator Denton:

S. 387. To regulate further municipal elections, candidates for municipal office, campaign contributions, and campaign committees for municipal office candidates; to create the Municipal Fair Campaign Practices Act; to remove the municipal elections, candidates for municipal office, campaign contributions, and campaign committees for municipal candidates from the statewide Fair Campaign Practices Act; to repeal Sections 17-22A-1 to 17-22A-23, inclusive, of the Code of Alabama 1975, regulating state and local office candidates and officials and campaigns or political committees by repealing those sections only to the extent of regulating municipal elections, municipal candidates, and

municipal officials, and the campaign committees of municipal candidates; to require certain timely reports and filings with the municipal clerk or other designee and the judge of probate; to prohibit certain soliciting and accepting contributions to influence elections; to impose misdemeanor penalties for violations of the act, and specified fines for the failure to make timely filings or reports; to provide for registration of campaign committees receiving above specified sums; to provide for duties of the campaign treasurer in administering, receiving, expending, and reporting contributions; to provide for acceptable and unacceptable campaign advertising and require identification of responsible person; and to provide for unlawful acts and prescribing penalties.

By Senator Sanders:

S. 390. To establish a procedure by which persons who are qualified to vote in this state may register to vote by mail.

By Senator Parsons:

S. 432. To amend Sections 17-22A-6 and 17-22A-7 of the Code of Alabama 1975, to provide for campaign funds to be maintained in an interest-bearing account and to provide for the distribution of the interest from the account to the State General Fund.

By Senators Windom, Floyd, and Hale:

S. 440. To propose a constitutional amendment to amend Sections 6.17 and 6.18 of Amendment 328 of the Constitution of Alabama of 1901, establishing the Judicial Inquiry Commission and the Court of the Judiciary, to provide that the District Judges' Association shall appoint two district judges to serve as members of the Judicial Inquiry Commission and Court of the Judiciary.

The above Bill was read a second time at length as required by the Constitution.

By Senator Windom:

S. 494. To propose an amendment to the Constitution of Alabama of 1901 to provide that the people may propose the repeal or enactment of general laws or constitutional amendments by an indirect initiative referendum subject to the same limitations imposed on the Legislature.

The above Bill was read a second time at length as required by the Constitution.

By Senator Wilson:

S. 551. Proposing an amendment to Amendment No. 443 to the Constitution of Alabama of 1901, relating to the conveyance of Alabama State Docks property located in Tuscaloosa County to the Northport Port Authority.

The above Bill was read a second time at length as required by the Constitution.

By Senator Denton:

S. 534. Proposing an amendment to the Constitution of Alabama of 1901, to phase out and abolish the supernumerary program for county ad valorem tax officials, and authorizing the tax assessors, tax collectors, revenue commissioners, license commissioners, and other ad valorem tax officials of the various counties participate in the Employees' Retirement System of Alabama or any other retirement system to which the employees of the officials' respective county may participate by law.

The above Bill was read a second time at length as required by the Constitution.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Hale and Smith (J):

S. 610. To make an appropriation from the State General Fund to the Huntsville Museum of Arts for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

By Senator Waggoner:

S. 614. To amend Section 13A-12-3, Code of Alabama 1975, to prohibit the sale or gift of any tobacco or tobacco product to a minor.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom:

S. 603. To amend Sections 32-13-2, 32-13-3, 32-13-4, and

32-13-6, Code of Alabama 1975, relating to motor vehicles deemed abandoned, to provide further for notice to the owner and certain lienholders by the person removing or storing a motor vehicle or by an automobile dealer, repair service, or wrecker service when a motor vehicle is left under certain conditions; to provide for notification of the sale of motor vehicles deemed abandoned and the posting or publication of notice of sale; and to add Section 32-13-9 to the Code of Alabama 1975, providing for the effect of failure to give notice pursuant to this act and for redemptions of motor vehicles deemed abandoned by owners and certain lienholders.

Senator Mitchem, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchem:

S. 581. To amend Section 13A-5-40 of the Code of Alabama 1975, relating to crimes punishable as capital offenses so as to further amplify and specify as capital offenses the crimes of murder committed by or through the use of a deadly weapon fired or otherwise used from outside a dwelling while the victim is in a dwelling, murder committed by or through the use of a deadly weapon while the victim is in a vehicle, and murder committed by or through the use of a deadly weapon fired or otherwise used within or from a vehicle; and to include a savings provision relating to proceedings pending and rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 503. To amend Section 8-19-5, Code of Alabama 1975, relating to the Deceptive Trade Practices Act, to add provisions relating to the sales of materially damaged motor vehicles.

GREG PAPPAS,
Clerk.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one

time, and referred to appropriate standing committees, as follows:

By Senator deGraffenried:

S. 620. Relating to business corporations; to provide further for the organization, admission, consolidation, merger, and dissolution of the corporations, and to provide further for the powers, authority, and duties of the corporations, and for the officers, directors, and shareholders; to repeal Sections 10-2A-1 through 10-2A-2; 10-2A-20 through 10-2A-69; 10-2A-71 through 10-2A-79; 10-2A-90 through 10-2A-97; 10-2A-110 through 10-2A-122; 10-2A-140 through 10-2A-146; 10-2A-160 through 10-2A-163; 10-2A-170 through 10-2A-171; 10-2A-180 through 10-2A-203; 10-2A-220 through 10-2A-224.1; 10-2A-225 through 10-2A-247; 10-2A-260 through 10-2A-261; 10-2A-280 through 10-2A-284; and 10-2A-330 through 10-2A-339, Code of Alabama 1975; to amend Sections 40-14-4 and 40-14-21, Code of Alabama 1975, relating to foreign corporations; to provide further for penalties; and to provide an effective date.

Committee on Banking
and Insurance

By Senator Campbell (With Notice and Proof):

S. 621. Relating to Lawrence County; providing for an additional expense allowance and salary for the sheriff.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 621, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Barron, Escott-Russell, Corbett, Smith (B), Windom, deGraffenried, Owens, Mitchem, Dixon, Dial, Waggoner, Bedsole, Denton, Lipscomb, Hale, Parsons, and Little:

S. 622. To amend Section 25-5-50 of the Code of Alabama 1975, relating to the Workers' Compensation Law, to specify that a licensed real estate agent would not be considered an employee under certain circumstances for purposes of the law.

Select Committee on
Fiscal Responsibility

By Senator Mitchell (With Notice and Proof):

S. 623. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 623, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Barron:

S. 624. Relating to DeKalb County; creating the DeKalb County Economic Development Authority; to provide for the authority's composition, terms, duties, and powers; and to provide for appropriations from county funds for the operation of the authority.

Committee on Local
Legislation No. 1

By Senator Sanders:

S. 625. To require that criminal trials be held within 90 days of indictment of the defendant, that the trial judge may continue the trial past the 90-day period for issues of substantial justice, that the defendant shall be provided with all exculpatory material within 30 days after indictment, that failure to try a defendant within 90 days or provide exculpatory material shall be cause for dismissal, and that this act shall apply to defendants indicted after January 1, 1994.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator deGraffenried (With Notice and Proof):

S. 626. To amend Sections 2, 3, 10, 12, and 14 of Act No. 86-656, H. 12, First Extraordinary Session 1986 (Acts First Special Session 1986, p. 39), relating to Tuscaloosa County and providing for the establishment of districts for the purpose of preventing fires or for fire protection and other public service in the county, to provide for the inclusion in a district of land within a municipality in the county, to provide further for the election of the board of directors of a district, and to provide for the collection of the service charge or fee levied by a district.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 626, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedsole:

S. 627. To amend Section 36-29-14, Code of Alabama 1975, to authorize certain employees of the Rural Community Fire Protection Institute to participate in the State Employees' Health Insurance Plan.

Committee on Finance
and Taxation

By Senator Langford:

S. 628. Relating to deputy circuit clerks; to repeal Section 17-2-8, Code of Alabama 1975, which provides for the election of deputy circuit clerks in counties having more than five circuit judges; and to repeal Section 12-17-99, Code of Alabama 1975, which relates to the supplemental salary of elected deputy circuit clerks.

Committee on Governmental
Affairs/State Administration

By Senator deGraffenried (With Notice and Proof):

S. 629. To amend Sections 11-44B-6 to 11-44B-8, inclusive, Code of Alabama 1975, and to add Section 11-44B-8.1 to the Code of Alabama 1975, to provide further for the operating procedures of mayor-council form of government adopted by Class 4 municipalities.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 629, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Figures (With Notice and Proof):

S. 630. Relating to Mobile County; relating to alcoholic beverages and the sale of wine in Mobile County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the whole-

saler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

Committee on Local
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 630, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedsole (With Notice and Proof):

S. 631. To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory to the City, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

Committee on Local
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 631, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

ADJOURNMENT

At 5:20 P.M., on motion of Senator Corbett, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, April 15, 1993, at 10 o'clock A.M.

TWENTY-SECOND LEGISLATIVE DAY

THURSDAY, APRIL 15, 1993

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Chip Bailey, Twenty-Ninth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jeremy Williams, Mary G. Montgomery High School, Mobile, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom

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REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Hale, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

MOTION TO ADJOURN

Senator Hale moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 20, 1993, at 2 o'clock P.M., which motion was adopted.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 503. To amend Section 8-19-5, Code of Alabama 1975, relating to the Deceptive Trade Practices Act, to add provisions relating to the sales of materially damaged motor vehicles.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 76. COMMENDING COACH DOUG KEY AND THE CHATTAHOOCHEE VALLEY STATE COMMUNITY COLLEGE BASKETBALL TEAM ON ITS CHAMPIONSHIP SEASON.

Also:

SJR 77. CONGRATULATING THE CHEROKEE COUNTY HIGH SCHOOL LADY WARRIORS ON THE 1993 STATE CLASS 4A BASKETBALL CHAMPIONSHIP.

Also:

SJR 78. COMMEMORATING THE LIFE AND SERVICE OF THE LATE ROY KNAPP OF CENTRE, ALABAMA.

Also:

SJR 79. COMMENDING DELTACOM FOR ITS CONTRIBUTIONS TO PUBLIC EDUCATION.

Also:

SJR 80. CONGRATULATING COLONEL AND MRS. WILLIAM R. LAWLEY, JR., ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

SJR 81. COMMENDING CAMILLE WRIGHT COOK FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE UNIVERSITY OF ALABAMA SCHOOL OF LAW.

Also:

SJR 84. COMMENDING THE CANADIAN FORCES SNOW-BIRDS.

Also:

SJR 85. MOURNING THE DEATH OF MRS. SYBIL HUEY SMITH LEBHERZ OF FORT WALTON BEACH, FLORIDA.

Also:

SJR 86. COMMENDING COACH CATHY TRIMBLE, THE FRANCIS MARION GIRLS BASKETBALL TEAM AND FRANCIS MARION HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

SJR 87. COMMENDING COACH DANNY CRENSHAW, THE FRANCIS MARION RAMS, AND FRANCIS MARION HIGH SCHOOL ON THEIR CHAMPIONSHIP BASKETBALL SEASON.

Also:

**SJR 88. COMMENDING SARALEE H. ROSENBERG FOR
OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.**

Also:

**SJR 89. COMMENDING DANIEL M. MURCHISON, JR.,
ON THE OCCASION OF HIS RETIREMENT FROM UNIVERSAL
UNDERWRITERS GROUP.**

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 142. To provide for the offense of giving a false name or address to a law enforcement officer; and to provide penalties.

GREG PAPPAS,
Clerk.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Figures (With Notice and Proof):

S. 632. Repealing Act No. 92-414, H. 19, 1992 Regular Session (Acts of 1992, p. 845), that requires the City of Mobile and other municipalities to make an annual appropriation to the Mobile County Board of Education.

Committee on Local
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB

632, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Wilson:

S. 633. Reopening the Employees' Retirement System to allow a certain confidential employee of an elected official to purchase up to one year of additional service credit for every seven years of service which the employee is credited with in the system; to provide for the member to pay the total cost of purchasing the additional service credit and to provide for a termination date.

Committee on Finance
and Taxation

By Senator Owens:

S. 634. To amend Sections 2-8-281 and 2-8-282 of the Code of Alabama 1975, by allowing payments of assessments on catfish producers to be paid not later than the last day of each quarter of the year.

Committee on Agriculture,
Conservation, and Forestry

By Senator Owens:

S. 635. To amend Section 36-22-62, Code of Alabama 1975, to provide that supernumerary benefits received by a sheriff shall be retroactively exempt from state income tax.

Committee on Finance
and Taxation

By Senator Owens:

S. 636. To authorize judges and justices of the Unified Judicial System of the State of Alabama to obtain permanently-issued permits to carry handguns exempt from the payment of state and local permit fees; and to provide for the revocation of those permits under certain circumstances.

Committee on Public Welfare

By Senator Bailey:

S. 637. To make a supplemental appropriation from the General

Fund in the State Treasury to the Alabama Commission on Aging for the Medicaid Waiver Program for the fiscal year ending September 30, 1993.

Committee on Finance
and Taxation

By Senator Sanders:

S. 638. To provide further for the political parties listed on ballots and to repeal Section 17-8-2.1, Code of Alabama 1975.

Committee on Constitution
and Elections

By Senator Langford:

S. 639. Amending Section 28-3A-23, Code of Alabama 1975, relating to the regulation of alcoholic beverage licensees; permitting the manufacture, distribution, and sale of certain beverages without a license; providing for the approval of the local governing authority; limiting the number of package store licenses that may be issued to an individual; specifying locations requiring a retail license; regulating the sale, transfer, storing, time of sale, and containers of alcoholic beverages; and authorizing certain sales by Class I social clubs.

Committee on State Development
and Tourism

RESOLUTIONS

Senator Dial requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 95. MOURNING THE DEATH OF WOODROW B. THRASH OF HEFLIN, ALABAMA.

WHEREAS, it is with profound sorrow that the Legislature of Alabama notes the death of Woodrow B. Thrash on April 6, 1993; and

WHEREAS, Woodrow B. Thrash, a native of Heflin in Cleburne County, was an outstanding Cleburne County Vocational Educator whose contributions to Cleburne County and to his many students were immeasurable; and

WHEREAS, he was an outstanding high school athlete who led his Oxford High School to an undefeated football season which earned him a scholarship to Jacksonville State University, and his leadership skills were carried into every facet of his life; and

WHEREAS, Mr. Thrash earned his degrees in education and vocational education from Florence State Teachers College and Auburn University; and he was a combat engineer and commando in Europe and in the Pacific during World War II; and

WHEREAS, his outstanding teaching career at Cleburne County High School, from 1955 to 1973, earned him the admiration, respect, and love of educators, parents, and children; and, from 1973 until his retirement in 1982, at the Cleburne County Area Vocational School as vocational director, he prepared numerous young people for their livelihoods by his patient and caring concern as well as outstanding vocational educational acumen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Woodrow B. Thrash of Cleburne County, Alabama, and extend our most heartfelt sympathy to his wife, Edith D. Thrash; his sons, William and Robert Thrash; his daughter, Jayne T. Thrash Fruithurst, and four grandchildren, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 96. ESTABLISHING A CHILD CARE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is established a Child Care Commission composed of members who shall be culturally, economically, and geographically diverse and who shall be representative of the following: four persons appointed by the Governor shall be qualified electors of the state and representatives of the following statewide child day care advocacy associations, FOCAL, Alabama Association of Licensed Child Care, Alliance for Alabama Child Care, and Alabama Association for Young Children; nine persons shall be owners or operators, or both, of child day care facilities as follows: a representative of the Alabama Head Start Association, a representative of the Alabama Christian Education Association, two licensed family day care home providers, two licensed for-profit small business center based day care operators, and two licensed private nonprofit community based agencies, and one licensed multi-center operator, five of whom shall be appointed by the Speaker of the House of Representatives of Alabama and four of whom shall be appointed by the Lieutenant Governor of the State of Alabama; two persons, appointed by the Speaker Pro Tem of the House of Representatives, shall be parents of children who are enrolled

in a religious exempt child day care program; two persons, appointed by the President Pro Tem of the Alabama Senate, shall be parents of children who are enrolled in a licensed child day care program; two representatives of child care management agencies selected by the directors of the agencies; one person appointed by the Commissioner of the Department of Human Resources; and one person selected by the Alabama Association of County Directors of Human Resources. Vacancies shall be filled by the appointing authority.

BE IT FURTHER RESOLVED, That members of the commission shall meet at least quarterly, and at other times the chair of the commission deems appropriate. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the course of their duties. The commission expenses shall not exceed the sum of ten thousand dollars (\$10,000) annually. The expenses, including all expenses for publishing the annual report, shall be paid from the quality enhancement federal funds allocated to the Department of Human Resources. A chair of the commission shall be elected by the membership at the first meeting of the commission. Members shall be appointed for two-year terms and may be eligible to succeed themselves for one additional term. Members shall be appointed to the commission within 30 days of the effective date of this act. Any member who fails to attend three consecutive meetings or at least one half of all commission meetings held during the calendar year shall be deemed to have resigned. Clerical and administrative assistance to the commission shall be provided by the Department of Human Resources.

RESOLVED FURTHER, That the commission shall have the following responsibilities:

(a) Develop a proposal for a statewide child day care plan for development and planning for the industry for professional growth and to keep pace with the growing need for affordable and available child care for working families in the state.

(b) Develop a proposal to identify projected needs of the subsidized child care program and to identify all federal and state revenue sources available for child day care in the State of Alabama.

(c) Review and recommend improvements and strengthening of the Child Care Act of 1971 and Alabama's Minimum Standards for Child Care as prescribed by the Department of Human Resources, and be represented on any committee assigned the responsibility of revising the act or minimum standards.

(d) Develop and assimilate information on employer, company, and corporate support for child day care which includes options, costs, and benefits of that support.

(e) Review and recommend financial incentives to encourage employer, company, and corporate support of child day care.

(f) Review the availability of public or private no or low interest loans for capital investment in child day care.

(g) Review the feasibility and affordability of liability insurance for child day care providers.

(h) Recommend to the Department of Human Resources the procedures to be used in notifying licensees, approved operators, and registrants regarding regulatory changes.

(i) Appoint a resource person as liaison with the Department of Public Health, the Department of Education, the State Fire Marshal's Office, and other departments and agencies of government to receive suggestions and information, recommend solutions to avoid duplicate or conflicting requirements, or both, upon operators subject to regulations by the State of Alabama, achieve collaboration among these agencies, and help ensure that Federal and State funds are being used in the most efficient manner to help protect the health and safety of children being cared for in child day care programs.

(j) Recommend methods for improving the quality of nonresidential child care and increasing the safety of children in child day care programs.

RESOLVED FURTHER, That the commission may publicize and hold public hearings and review suggestions from parents of children utilizing child care services, providers of the services, and other interested parties, including representatives of nongovernmental entities, child development specialists, and professionals in child care related fields. The commission shall make an annual written report to the Legislative Council, the Governor, and the Department of Human Resources of its findings and recommendations in regard to issues affecting licensed child day care. The report shall be made available to the public upon the payment of reasonable costs for providing a copy thereof.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Parsons, Hale, Floyd, Lindsey, Wilson, Campbell, Bailey, Dixon, and Bedsole requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

SR 97. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. B. 607.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE

OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, Senate Bill 607, a copy of which is attached to this resolution and made a part hereof by reference:

Are the findings in Section One of Senate Bill 607 that finds that the Legislature is required to provide schoolchildren with substantially equitable and adequate educational opportunities constitutionally required?

RESOLVED FURTHER, That the Secretary of Senate is hereby directed to send sufficient true copies of the pending bill, Senate Bill 607, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Senator Parsons, the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (With Notice and Proof):

H. 649. Providing safe access to polling places for voters in certain elections in Mobile County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 649, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Buskey (With Notice and Proof):

H. 737. Relating to Mobile County; to amend Section 15 of Act No. 86-545, S. 655 of the 1986 Regular Session (Acts 1986, p. 1082) as amended by Act No. 92-105, H. 74 of the 1992 Regular Session (Acts 1992, p. 169) which created a County Racing Commission; to provide that a licensee may withhold income taxes; to clarify that the

licensee may be entitled to interest earned; and to increase the amount of advertising from \$300,000 to \$500,000 with regard to the Capital Improvement Fund.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 737, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Blakeney (With Notice and Proof):

H. 743. Relating to Marengo County; specifically providing for a mileage allowance for the Coroner of Marengo County by amending Section 1 of Act No. 92-491, H. 827, 1992 Regular Session.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 743, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Black (L) (With Notice and Proof):

H. 745. Relating to Sumter County; providing for the expense allowance and travel allowance for the county coroner, payable from county funds and repealing Act No. 88-332, H. 756 of the 1988 Regular Session (Acts 1988, p. 501), relating to the coroner's compensation; and making the provisions retroactive to December 1, 1992.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 745, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Hill and Knight (A) (With Notice and Proof):

H. 755. Relating to Shelby County; to further amend Section 7

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of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the judge of probate and the collection and disposition of a special index fee therefor, so as to further provide for the index fee and distribution of the additional fee.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 755, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB's 649 and 737 - to the Committee on Local Legislation No. 3

HB's 743, 745, and 755 - to the Committee on Local Legislation
No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hall (With Notice and Proof):

H. 373. Relating to Jackson County; requiring certain county-owned motor vehicles to be marked in a certain manner for identification purposes and to provide penalties for violations of this act.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 373, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Hall (With Notice and Proof):

H. 374. Relating to Jackson County, providing that the judge of probate shall not receive compensation for publishing a list of qualified electors.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 374, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Richardson (With Notice and Proof):

H. 656. Relating to Jackson County; to amend Section 6 of Act No. 192, H. 101, Regular Session 1989 (Acts 1989, p. 234) relating to the system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate, to provide that the special indexing fee shall be for the use of the Judge of Probate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 656, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Morrow (With Notice and Proof):

H. 738. Relating to Franklin County and any gas, electric, or water authority in the City of Russellville; to provide for the consolidation of any gas, electric, or water authority in the City of Russellville into one public authority; and to provide for the election of the board of directors of the authority.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 738, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Knight (A) and Hill (With Notice and Proof):

H. 742. Relating to the City of Alabaster in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 742, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 373, 374, 656, 738, and 742 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hill and Knight (A) (With Notice and Proof):

H. 727. Relating to Shelby County; to establish a civil service system and provide for classified services; to establish a personnel board and provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; to exempt the chief clerks in the offices of the judge of probate, the tax collector, and the tax assessor from the civil service system and the classified services; and to provide penalties.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 727, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 727 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hill and Knight (A) (With Notice and Proof):

H. 728. Relating to Shelby County; providing for additional costs and charges in all Circuit and District Court cases and providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county and the distribution of moneys in these funds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 728, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 728 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Richardson (With Notice and Proof):

H. 689. Relating to Jackson County; authorizing the county

commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax for a new county jail; prescribing penalties and fixing punishment for violation of this act; providing for an advisory referendum; and providing for a termination date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 689, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 689 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Freeman (With Notice and Proof):

H. 631. Relating to Madison County; authorizing the Madison County Commission and the Madison County Sheriff Department to further regulate and license the operation of a junkyard and prohibit certain accumulation and storage of junk, inoperable motor vehicles, and other litter within the unincorporated territory of the county; amending the title of Act No. 92-502, H. 802 of the 1992 Regular Session to make certain acts public nuisances and unlawful, to provide civil action remedies, including actions to enjoin, abate, or pay civil damages for unlawful conduct or negligent conduct constituting a nuisance, and to provide that the county commission may regulate and establish prerequisites for issuing licenses to operate junkyards or store junk and to increase the annual license fee for the privilege, and to provide for certain exemptions to the provisions of this act; and amending Sections 1, 2, and 3 of Act No. 92-502 and repealing Section 5 of that act which provides for misdemeanor penalties.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 631, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing
Message from the House, was read one time and referred to appropriate
Standing Committee, as follows:

HB 631 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Rich (With Notice and Proof):

H. 711. Relating to the City of Guntersville in Marshall County; authorizing the City of Guntersville to establish, purchase, construct, maintain, lease and operate a cable television system and to furnish cable television to the residents of the city and to customers in the surrounding territory; prescribing its powers in that connection; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness in connection with the systems; providing for the payment of the bonds and other evidences of indebtedness and the rights of the bond holders; and exempting the service from the regulation and control of the Alabama Public Service Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 711, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 711 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (With Notice and Proof):

H. 774. To authorize the City of Brewton in Escambia County to construct, maintain and operate a cable television service.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 774, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 774 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (With Notice and Proof):

H. 651. Relating to Mobile County; requiring that Emergency

911 authorities receiving emergency calls from within municipal police jurisdictions to notify the proper municipal emergency entity and the nearest volunteer emergency unit.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 651, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Letson (With Notice and Proof):

H. 760. Relating to Lawrence County; authorizing the sheriff to retain funds accruing from the pay telephones and vending machines in the county courthouse in a special fund to be used by the sheriff for law enforcement purposes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 760, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Letson (With Notice and Proof):

H. 761. Relating to Lawrence County; to provide office space and certain office expense for the county legislative delegation; and to provide for retroactive effect from January 1, 1993.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 761, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. White (With Notice and Proof):

H. 762. Relating to Escambia County; providing further for the compensation of poll workers.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

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ATTACHED TO THE BILL, HB 762, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. White (With Notice and Proof):

H. 766. Relating to Escambia County; to repeal Act No. 653, S. 737 of the 1969 Regular Session (Acts 1969, p. 1183) of the Legislature of Alabama, providing salaries for the sheriff's deputies and fixing the number of deputies.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 766, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. White (With Notice and Proof):

H. 767. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Brewton in Escambia County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 767, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 651 - to the Committee on Local Legislation No. 3

HB's 760, 761, 762, 766, and 767 - to the Committee on Local
Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley (With Notice and Proof):

H. 776. To amend Act No. 91-705, H. 1082, 1991 Regular Session (Acts of Alabama 1991, p. 1374), relating to Coffee County and providing a special recording fee for documents filed in the office of the judge of probate, to further provide for the distribution of the fee.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 776, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Holley (With Notice and Proof):

H. 777. Relating to Coffee County, to provide a procedure for handling cases involving invalid checks given for licenses, and the voiding of the licenses.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 777, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Hill (With Notice and Proof):

H. 794. Relating to Shelby County; authorizing the county commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act; and providing for a termination date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 794, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Hill (With Notice and Proof):

H. 799. Relating to Shelby County; to amend Section 7 of Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), pertaining to a rehabilitative and work release program for jail inmates, to provide further for inmates to pay the cost of their supervision from their gross earnings.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS
ATTACHED TO THE BILL, HB 799, AS REQUIRED IN THE
GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing
Message from the House, were severally read one time and referred to
appropriate Standing Committee, as follows:

HB's 776, 777, 794, and 799 - to the Committee on Local Legis-
lation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and
ordered same sent forthwith to the Senate without engrossment:

By Rep. Beasley:

H. 405. To provide for the effect of reliance by creditors on a
written opinion, regulation, or similar notice of the Superintendent of
Banks as administrator of Chapter 19, Title 5, Code of Alabama 1975.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 405 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Newton (C):

H. 516. Providing that oxygen or durable medical equipment ultimately provided to a recipient of benefits under the Medicare program shall be exempt from state and local sales and use taxes and that a provider of oxygen or durable medical equipment which is rented or leased to a recipient of Medicare or Medicaid benefits shall be exempt from rental and leasing taxes on the gross receipts of the transaction.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 516 - to the Select Committee on Fiscal Responsibility

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hooper:

H. 400. To establish the Alabama Legislative Commission on Total Quality Government Act of 1993.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 400 - to the Committee on Governmental Affairs/State Administration

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McDowell:

H. 198. To amend Sections 17-6-8, 17-7-18, 17-8-2, 17-8-25, 17-8-29, 17-16-55, and 21-4-22 of the Code of Alabama 1975, to provide for poll watchers in referendum elections; to prohibit electioneering within certain proximity to all polling places; to require withdrawals from an election by candidates 50 or more days before that election; to provide for the number of paper ballots at each voting place; to provide further for the casting of ballots by electors and assistance to the electors; to provide penalties for election officials marking ballots contrary to the direction or request of a voter; and to require that certain guidelines to assure accessibility of registration and polling places for handicapped and elderly individuals apply at all elections.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 198 - to the Committee on Constitution and Elections

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White:

H. 101. To amend Section 9-11-53 of the Code of Alabama

1975, relating to the annual freshwater fishing license; to further authorize any person to fish in a private pond without a license.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 101 - to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 669. To further provide for funding of the Lands Division of the Department of Conservation and Natural Resources; to amend Section 9-15-15, Code of Alabama 1975, relating to the disposition of certain revenues from unused lands, to provide for the deposit of the revenue in the State Land Fund; to amend Section 9-15-16, Code of Alabama 1975, relating to the administrative expenses for the management of unused lands; to amend Section 9-15-39, Code of Alabama 1975, relating to revenue derived from school lands, to provide for the retention of a management fee of 10 percent by the Lands Division; and to amend Section 9-15-40, Code of Alabama 1975, relating to revenue derived from the management of certain swamp and overflow lands, to provide for the retention of a management fee of 10 percent by the Lands Division; to amend Section 9-15-52, Code of Alabama 1975, relating to the management of certain sand and gravel resources, to provide for an administrative fee of 10 percent; to provide for the retention of a management fee of 10 percent by the Lands Division for all other lands managed by the division; to further provide for the deposit of certain funds and fees into the State Lands Fund and to further provide for the use thereof.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 669 - to the Select Committee on Fiscal Responsibility

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Freeman:

H. 337. To provide that contractors performing public works contracts shall receive payment for any additional severance and sales and use taxes incurred as a result of increases in the rate of severance and sales and use taxes imposed during the performance of the contract.

And sends same herewith to the Senate for its consideration.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 337 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Starkey:

H. 117. Providing for distinctive motor vehicle license tags or plates for supporters of "Square and Round Dance"; prescribing the fees for the tags or plates; providing for disposition of the net proceeds from the fees; and providing for a delayed effective date.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 117 - to the Select Committee on Fiscal Responsibility

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson, Biddle, Payne, Carothers, Mathis, Laird, Cullins, and Freeman:

H. 644. To amend Section 25-5-50, Code of Alabama 1975, relating to the Workers' Compensation Law, to remove the exception to the exemption for employers constructing single-family residences so that the workers' compensation law would only apply to employers constructing single-family residences who regularly employ more than 5 employees

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 644 - to the Committee on Small Business

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gullatt, Turnham, Laird, Fuller, Higginbotham, Williams, Flowers, Beasley, Carothers, Clark (J), and Mathis:

H. 464. To amend Section 41-9-311, Code of Alabama 1975, relating to the Historic Chattahoochee Historic Compact to provide fur-

ther for the election and voting of the members of the Historic Chatahoochee Commission.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 464 - to the Committee on Governmental Affairs/Local Government

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Harper, Johnson, and Carothers:

H. 292. Amending Sections 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards, to provide for the amount, method of repayment, interest rate, and credit for performing certain services.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 292 - to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Curry, Clark (J), McDowell, Freeman, Hall, Sanderford, and Smith (R):

H. 54. To amend Section 22-11A-17, Code of Alabama 1975,

relating to the testing for sexually transmitted diseases of persons sentenced to a jail or a correctional facility under certain circumstances, to provide further that the victim of a sexual offense may request the results of HIV testing of the offender.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 54 - to the Committee on Judiciary/Criminal Justice and
Public Safety

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Flowers:

H. 43. Reopening for a certain time the Teachers' Retirement System for purchase of a certain amount of service credit by active members for certain periods of time during which they were on leave without pay.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 43 - to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 453. To make an appropriation from the State General

Fund to the Birmingham Football Foundation for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

By Rep. Harper:

H. 576. To amend Section 41-9-553, Code of Alabama 1975, to increase the appropriation limitation to the Alabama Women's Hall of Fame Board.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 453 and 576 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey:

H. 55. To amend Section 41-4-113 of the Code of Alabama 1975, relating to procedures for purchase of materials and supplies by state departments.

Also:

By Reps. Lindsey, Carter, and Ford:

H. 488. To define disparagement of perishable products or commodities; to provide a cause of action; to provide for recovery; to provide for limitations of actions and civil procedure; and to provide for cumulative effect.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 55 - to the Committee on Governmental Affairs/State Administration

HB 488 - to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carter and Parker (P):

H. 178. To amend Section 16-61-1, Code of Alabama 1975, to include Athens State College within the universities that may participate in the Alabama Endowment Trust Fund for Eminent Scholars program.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 178 - to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cullins:

H. 13. To amend Section 16-25-11.5, Code of Alabama 1975, to reopen the Teachers' Retirement System until a certain date for certain support personnel to purchase certain credit in the system.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 13 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDowell, Rogers (J), Harvey, Burke, and Butler:

H. 673. To amend Sections 17-4-181 and 17-4-183, Code of Alabama 1975, to alter the month the county boards of registrars meet to purge the voting lists.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 673 - to the Committee on Constitution and Elections

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford:

H. 163. To amend Section 36-21-70, Code of Alabama 1975, as amended by Act No. 92-438 of the 1992 Regular Session, relating to the Peace Officers' Annuity and Benefit Fund, so as to allow retirement upon completion of 25 years of qualified service, regardless of age.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 163 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Ford:

**HJR 324. MOURNING THE DEATH OF PAUL B. FORD, JR.,
OF BIRMINGHAM, ALABAMA.**

Also:

By Rep. Butler:

**HJR 325. COMMENDING SUE STEVENS MCWHORTER,
1993 "HOME ECONOMIST IN BUSINESS OF THE YEAR" IN
MADISON COUNTY, ALABAMA.**

Also:

By Rep. Butler:

**HJR 326. COMMENDING THE BOB JONES HIGH SCHOOL
PATRIETTES OF MADISON, ALABAMA, FOR OUTSTANDING
ACHIEVEMENT.**

Also:

By Rep. Butler:

**HJR 327. DESIGNATING THE WEEK OF MAY 23 TO MAY
29, 1993, AS "EMERGENCY MEDICAL SERVICES WEEK" IN
ALABAMA.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the

Resolutions, HJR's 324, 325, 326, and 327, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Grayson:

HJR 307. COMMENDING BARBARA JEAN HENDERSON ANTHONY FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE TEACHING PROFESSION.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 307, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hill and Knight (A):

HJR 310. COMMENDING AND EXPRESSING APPRECIATION TO THE ALABAMA POWER COMPANY.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 310, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harvey, Starkey, White, Hawkins, Black (L), Gullatt, Clark (J), Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Haney, Harper, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams, Willis, and Zoghby:

**HJR 242. COMMENDING LOUISE LAMBERT FOR OUT-
STANDING SERVICE TO THE ALABAMA LEGISLAURE.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 242, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Haynes:

**HJR 304. COMMEMORATING THE LIFE AND WORKS OF
WILLIAM OVERBEY IN SERVICE TO TALLADEGA COUNTY
CHAPTER, ALABAMA EASTER SEAL SOCIETY.**

Also:

By Reps. Kvalheim, Gaston, and Zoghby:

**HJR 305. COMMENDING ROSIE CHAMBERS FOR OUT-
STANDING ACHIEVEMENT.**

Also:

By Rep. Anderson:

HJR 303. COMMENDING THE AUSTIN HIGH SCHOOL BLACK BEARS ON THE 1993 STATE CLASS 6A BASKETBALL CHAMPIONSHIP.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 304, 305, and 303, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Buskey:

HJR 251. CONGRATULATING MRS. MARRISSETTA RENCHER ON THE OCCASION OF HER 80TH BIRTHDAY.

Also:

By Rep. Morrow:

HJR 254. COMMENDING THE RED BAY LADY TIGERS BASKETBALL TEAM ON WINNING THE 1993 STATE CLASS 3-A BASKETBALL CHAMPIONSHIP.

Also:

By Rep. Laird:

HJR 255. COMMENDING THE AUBURN UNIVERSITY DEPARTMENTS OF CONSUMER AFFAIRS AND TEXTILE ENGINEERING FOR THEIR LONG-STANDING COMMITMENT TO ALABAMA'S TEXTILE AND APPAREL INDUSTRY.

Also:

By Reps. McMillan and Carter:

HJR 256. COMMENDING MRS. MAUDE YATES MURPHEY OF MACON, MISSISSIPPI.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 251, 254, 255, and 256, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McClain, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 329. MOURNING THE DEATH OF JERRY D. COLEMAN OF FAIRFIELD, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 329, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Penry:

HJR 331. COMMENDING MRS. GRACE CAWLEY ROBINSON OF FOLEY, ALABAMA, FOR OUTSTANDING SERVICE IN THE FIELD OF EDUCATION.

Also:

By Rep. Black (M):

HJR 335. COMMENDING MRS. RACHAEL M. BERRYMAN OF COLBERT COUNTY, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

By Rep. Newton (D):

HJR 337. MOURNING THE DEATH OF LUTHER E. CRANFORD, JR., OF MOUNTAIN BROOK, ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 331, 335, and 337, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Collins:

HJR 338. COMMENDING COACH RICK BOLLING, COACH OF THE YEAR, THE ALABAMA JUNIOR AND COMMUNITY COLLEGE CONFERENCE'S NORTHERN DIVISION.

Also:

By Rep. Morrow:

HJR 339. COMMENDING THE VINA HIGH SCHOOL DEVILETTES GIRL'S BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Morrow:

HJR 340. COMMENDING THE ORIGINAL MEMBERS OF THE FRANKLIN COUNTY WATER COORDINATING AND FIRE PREVENTION AUTHORITY.

Also:

By Reps. Kvalheim and Gaston:

HJR 341. COMMENDING DAVID N. WRIGHT UPON HIS INSTALLATION AS 1993 CHAIRMAN OF THE BOARD OF THE MOBILE AREA CHAMBER OF COMMERCE.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 338, 339, 340, and 341, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Hill and Knight (A):

HJR 346. COMMENDING AND EXPRESSING APPRECIATION TO THE SHELBY COUNTY HIGHWAY DEPARTMENT.

Also:

By Reps. Hill and Knight (A):

HJR 347. COMMENDING AND EXPRESSING APPRECIATION TO THE SHELBY COUNTY DISTRICT OF THE STATE HIGHWAY DEPARTMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the

Resolutions, HJR's 346 and 347, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Rockhold, Harper, Kennedy, Box, Clark (W), Buskey, Kvalheim, Gaston, and Turner:

HJR 274. DESIGNATING THE WEEK OF APRIL 25 TO MAY 1, 1993, AS MOBILE CRIME VICTIMS' RIGHTS WEEK IN THE CITY OF MOBILE.

Also:

By Rep. Hooper:

HJR 275. COMMENDING THE U8 MICKLEBOROS SOCCER TEAM ON ITS 1992 SEASON.

Also:

By Rep. Hooper:

HJR 276. COMMENDING THE MONTGOMERY YMCA U8 STING SOCCER TEAM FOR AN UNDEFEATED SEASON AND TOOK FIRST PLACE IN ITS LEAGUE.

Also:

By Rep. Walker:

HJR 280. RECOGNIZING JULY 13, 1993, AS THE 25TH ANNIVERSARY OF GOODWILL INDUSTRIES OF CENTRAL ALABAMA, INC.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 274, 275, 276, and 280, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Hogan and Cagle:

HJR 265. COMMENDING RONICA POLK OF OAKMAN, ALABAMA, MISS ALABAMA AGRICULTURE 1993.

Also:

By Reps. Mikell and Hogan:

HJR 266. COMMENDING CALVIN O'NEAL SANDERS FOR DEVOTED AND FAITHFUL SERVICE TO CATOMA BAPTIST CHURCH.

Also:

By Reps. Biddle, Payne, and Morton:

HJR 267. NAMING DR. LEROY BROWN AS PRESIDENT EMERITUS OF JEFFERSON STATE COMMUNITY COLLEGE, BIRMINGHAM, ALABAMA.

Also:

By Rep. Campbell:

HJR 284. COMMENDING J. GEORGE MITNICK, RECIPIENT OF THE BROTHERHOOD AWARD FROM THE NATIONAL CONFERENCE OF CHRISTIANS AND JEWS.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 265, 266, 267, and 284, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Biddle, Payne, and Morton:

HJR 268. NAMING DOCTOR GEORGE L. LAYTON AS

PRESIDENT EMERITUS OF JEFFERSON STATE COMMUNITY COLLEGE, BIRMINGHAM, ALABAMA.

Also:

By Rep. Cosby:

HJR 269. COMMENDING MARTHA OWEN FOR OUTSTANDING CONTRIBUTIONS.

Also:

By Rep. Cosby:

HJR 270. COMMENDING JAMES TERRY OF SELMA, ALABAMA.

Also:

By Rep. Millican:

HJR 271. CONGRATULATING THE WINFIELD PIRATES BOYS BASKETBALL TEAM FOR OUTSTANDING ACCOMPLISHMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 268, 269, 270, and 271, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Grayson, Butler, Sanderford, Freeman, and Hall:

HJR 260. COMMENDING DR. EMERSON A. COOPER FOR OUTSTANDING CONTRIBUTIONS TO OAKWOOD COLLEGE.

Also:

By Reps. Grayson, Butler, Sanderford, Freeman, and Hall:

HJR 261. COMMENDING CLARA D. ROBERSON BRYANT

FOR OUTSTANDING ACHEIVEMENT AND SERVICE TO THE
TEACHING PROFESSION.

Also:

By Reps. Grayson, Butler, Sanderford, Freeman, Hall:

HJR 262. COMMENDING THE REVEREND JOHN L. HERN-
DON, III, FOR DISTINGUISHED SERVICE TO FELLOWSHIP
PRESBYTERIAN CHURCH, HUNTSVILLE, ALABAMA.

Also:

By Rep. Letson:

HJR 263. COMMENDING HAZELWOOD HIGH SCHOOL ON
ITS OUTSTANDING FOOTBALL PROGRAM.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 260, 261, 262, and 263, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. McMillan and Penry:

HJR 301. RECOGNIZING BALDWIN COUNTY COMMIS-
SIONER, MAX FOREMAN.

Also:

By Rep. Gaines:

HJR 302. COMMENDING JAMES MATTHEW BOWER ON
BECOMING AN EAGLE SCOUT.

Also:

By Rep. Holmes:

HJR 299. COMMENDING DR. FELIX NATHANIEL NIXON, PRESIDENT OF THE ALABAMA MISSIONARY STATE BAPTIST CONVENTION.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 301, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Windom, the Rules were suspended and the Resolutions, HJR's 302 and 299, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Curry, Spratt, Sanderson, Hawkins, Perdue, Rogers (F), Biddle, Carns, Rogers (J), Newton (D), Morton, Petelos, Barnes, Gaines, McClain, McDowell, and Payne:

HJR 288. DESIGNATING THE ALABAMA THEATRE FOR THE PERFORMING ARTS AS THE STATE HISTORIC THEATRE.

Also:

By Rep. Petelos:

HJR 293. RECOGNIZING MR. CHUCK COLSON, RECIPIENT OF THE TEMPLETON PRIZE FOR PROGRESS IN RELIGION.

Also:

By Rep. Zoghby:

HJR 296. COMMENDING GEORGE T. SANDOZ OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE TO OTHERS.

Also:

By Rep. Laird:

**HJR 297. COMMENDING WELR-FM RADIO FOR OUT-
STANDING COMMUNITY SERVICE.**

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

On motion of Senator Windom, the Rules were suspended and the Resolutions, HJR's 288 and 296, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

The Resolution, HJR 293, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Senator Dial, the Rules were suspended and the Resolution, HJR 297, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,
G. DENNIS NABORS,
Chief of Staff.

Done this 8th day of April, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, John Glover, from Moundville, Alabama to the Cahaba Trace Commission. He will be replacing Theresa Burroughs as a representative of Hale County. His term will expire on December 31, 1996.

Respectfully submitted,
GUY HUNT,
Governor.

Done this 8th day of April, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 8th day of April, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Frances Roberts, from Ashville, Alabama, to the Cahaba Trace Commission. She will be replacing B. W. Fox as a representative of St. Clair County. Her term will expire on December 31, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 8th day of April, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Cahaba Trace Commission.

Respectfully submitted,

G. DENNIS NABORS,
Chief of Staff.

Done this 8th day of April, 1993.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Henry T. Henzel, from Birmingham, Alabama, to the Cahaba Trace Commission. He will be replacing Mary Hughes as a representative of Shelby County. His term will expire on December 31, 1996.

Respectfully submitted,

GUY HUNT,
Governor.

Done this 8th day of April, 1993.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Cahaba Trace Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 317. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 8, 1993, they adjourn to meet again on Tuesday, April 13, 1993.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

On motion of Senator Windom, the Rules were suspended and the Resolution, HJR 317, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Turner:

HJR 287. COMMENDING WILLIE JUANITA NICHOLS ON HER RETIREMENT FROM ROSA A. LOTT ELEMENTARY SCHOOL IN CITRONELLE, ALABAMA.

Also:

By Rep. Morrow:

HJR 289. CONGRATULATING LAURA BETH ROBERTS, OF THE 3A STATE CHAMPION RED BAY LADY TIGERS, ON WINNING THE STATE 3A MOST VALUABLE PLAYER AWARD.

Also:

By Rep. Morrow:

HJR 290. COMMENDING THE RED BAY FFA QUARTET AND STRING BAND.

Also:

By Reps. Powell and Smith (C):

HJR 292. CONGRATULATING BILLINGSLEY HIGH SCHOOL AS ALABAMA'S 1992 STATE 1A FOOTBALL CHAMPIONS.

**GREG PAPPAS,
Clerk.**

HOUSE MESSAGE

The Resolutions, HJR's 287, 289, 290, and 292, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Smith (C), Powell, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 294. COMMENDING BO JACKSON ON MAKING THE CHICAGO WHITE SOX ROSTER AFTER RECOVERING FROM A SERIOUS HIP INJURY.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 294, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

HJR 344. REQUESTING THE U. S. CONGRESS TO USE DE-

**FENSE CONVERSION REVENUE FOR THE DEVELOPMENT OF
BUSINESS INCUBATORS.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 344, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. White:

**HJR 241. REQUESTING THE UNITED STATES CONGRESS
TO REPEAL CERTAIN PROVISIONS OF THE OMNIBUS TRADE
AND COMPETITIVENESS ACT, 1988, RELATING TO THE USE
OF THE METRIC SYSTEM ALONG THE HIGHWAYS.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 241, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Layson:

**HJR 253. URGING THE U.S. CONGRESS TO OPPOSE THE
PROPOSED WATERWAY FUEL TAX.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 253, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Letson:

HJR 264. URGING THE STATE HIGHWAY DEPARTMENT TO ERECT DESTINATION SIGNS ALONG ALABAMA HIGHWAY NO. 157 IN LAWRENCE COUNTY TO SPEAKE HIGH SCHOOL.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 264, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hooper:

HJR 278. DECLARING THE DEVELOPMENT OF HIGH SPEED RAIL TRANSPORTATION TO BE IN THE INTEREST OF THE STATE OF ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 278, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Johnson, Beasley, and Carothers:

HJR 279. PROVIDING FOR A LEGISLATIVE STUDY COM-

MITTEE TO EVALUATE UNMET NEEDS OF CAREGIVERS AND VICTIMS OF ALZHEIMER'S DISEASE AND RELATED DISORDERS.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 279, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hooper:

HJR 277. EXPRESSING THE SENSE OF THE LEGISLATURE THAT WOMEN'S SOCCER SHOULD BE A MEDAL SPORT AT THE 1996 CENTENNIAL OLYMPIC GAMES IN ATLANTA, GEORGIA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 277, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 208. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners For Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-21 and 34-28A-40, Code of Alabama 1975, so as to provide further for the qualifications of applicants for licensure by the board, and to require that not more than one member from any United States Congressional District shall be appointed to serve on the board at the same time.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harper, McMillan, Hall, McKee, Clay, Kvalheim, Clark (J), Smith (C), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

HJR 282. DIRECTING ALL STATE AGENCIES TO REDUCE THE COST AND DESIGN OF THEIR PUBLICATIONS.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 282, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Reps. McClain, Rogers (J), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, Williams, Willis, and Zoghby:

HJR 273. REQUESTING THE UNITED STATES CONGRESS TO DIRECT THE INTERNATIONAL TRADE COMMISSION TO STUDY THE DOMESTIC METALLURGICAL COKE MARKET.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 273, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate Amendment to the Bill:

H. 207. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbers and Gas Fitters Examining Board with certain modifications; to amend Section 34-37-15, Code of Alabama 1975, so as to allow certain repairs by the owner and occupier of property.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Box, Beasley, and Hall.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Dial, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 207, the title of which is set out in the foregoing Message from the House.

Yeas 22 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -22

Nays:

- 0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Denton, Parsons, and Corbett.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate Amendment to the Bill:

H. 87. To make a supplemental appropriation from the State General Fund to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993, and to specify the purposes for which the funds may be used.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives Butler, McMillan, and Fuller.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Dial, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, HB 87, the title of which is set out in the foregoing Message from the House.

Yeas 22 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -22

Nays:

- 0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Senators Smith (J), Smith (B), and Corbett.

REPORT FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Promotion of Colonel Joel W. Norman to the grade of Brigadier General

On motion of Senator Dial, the promotion Brigadier General Norman was confirmed by the Senate.

Yeas 22 Nays 0

Yeas:

Senators:

Bennett, Bolling, Campbell, Corbett, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Waggoner, Wilson, and Windom -22

Nays:

- 0

REPORTS OF COMMITTEES

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Substitute):

S. 17. To amend Section 15-23-4 of the Code of Alabama 1975, relating to the Alabama Crime Victims Compensation Commission, to increase the membership of the commission.

Senator Parsons, Chairperson of the Standing Committee on Ju-

diciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 543. To provide that a party may not gain land from another party through adverse possession in a platted subdivision.

By Senator Denton:

S. 578. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain benefits within a spousal estate when the court determines an allowance upon the grant of a divorce.

By Senator deGraffenried:

S. 608. Providing for a special civil cause of action for victims who are injured or suffered loss due to an act committed on them because of their actual or perceived race, religion, national origin, ethnicity, or disability, and providing for treble damages and attorney fees.

By Senator deGraffenried:

S. 609. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or disability.

Senator Wilson, Chairperson of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators deGraffenried and Little (With Substitute):

S. 92. To provide for the regulation and licensure of geologists; to provide for the Alabama Board of Licensure for Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

Senator Wilson, Chairperson of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Ellis:

S. 582. To authorize the governing bodies of counties and municipalities within the state to establish intercooperative public corporations for efficient compliance with applicable federal and state laws and rules and regulations relating to water quality improvement in Alabama, specifically the federal Clean Water Act, which govern storm water discharge and the control of pollutants in storm water discharges; to authorize the counties and municipalities to levy and collect taxes, fees, or other charges to fund the storm water operations and projects.

Senator Wilson, Chairperson of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 609. To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

Senator deGraffenried, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell:

H. 93. To amend Sections 41-22-5, 41-22-6, 41-22-12, 41-22-20, 41-22-22, and 41-22-23 of the Code of Alabama 1975, the Alabama Administrative Procedure Act; to provide further for the notice and comment period for rulemaking, time period for adoption during rulemaking, and the time period for review by the legislative committee; to provide in contested cases for limited discovery and the issuance of subpoenas in contested cases under certain circumstances; and to provide further for judicial review from contested cases.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Campbell, Corbett, and Floyd (With Amendment):

S. 388. To provide that each telecommunications utility and/or

company that provides operator services shall ensure that a caller may access a live operator.

Senator Langford, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Campbell:

S. 580. To provide for an alternative late charge in an amount not exceeding the greater of \$2 or five percent of the scheduled payment, which may be charged and collected in connection with a consumer loan, a consumer credit sale, or a consumer credit lease when the scheduled payment is delinquent or in default more than seven days.

Senator Owens, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Owens:

S. 611. To repeal Article 5 (commencing with Section 22-6-60) of Chapter 6 of Title 22, Code of Alabama 1975; to repeal Article 3 (commencing with Section 40-26B-40) of Chapter 26B of Title 40, Code of Alabama 1975; provide for the refund to hospitals of certain payments; and to provide for disproportionate share payments due certain hospitals.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis (With Notice and Proof):

S. 529. Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the judge of probate and the collection and disposition of a special index fee therefor, so as to further provide for the index fee and distribution of the additional fee.

By Senator Barron (With Notice and Proof):

S. 590. Relating to DeKalb County; providing for an additional expense allowance and salary for the sheriff.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee (With Notice and Proof)(With Amendment):

S. 594. Relating to Calhoun County; providing that the Calhoun County Economic Development Council may contract with the United States of America, the State of Alabama, other county governments; and other councils or committees, local or otherwise, which are set up for economic and business development, for the purpose of promotion of regional industrial development.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee (With Notice and Proof)(With Substitute):

S. 595. To allow the District Attorney for the Seventh Judicial Circuit to initiate and conduct a Pretrial Diversionary Program within the circuit for first offenders who are charged or may be charged with certain offenses, and to permit the District Attorney to bring legal proceedings against diversion applicants or other criminal defendants on behalf of victims of crime.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ghee (With Notice and Proof):

S. 596. Relating to Calhoun County; to abolish the office of constable provided for in each election precinct.

By Senator Ellis:

S. 612. To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of Shelby County to pledge certain tax proceeds to secure the payment of certain obligations of the county and to provide that any such pledge shall not cause the obligations secured thereby to constitute indebtedness of the county for purposes of Section 224, as amended, of the Constitution of Alabama of 1901.

The above Bill was read a second time at length as required by the Constitution.

By Senator Dial (With Notice and Proof):

S. 618. Relating to Cleburne, Randolph, and Clay Counties, creating the Emerald Triangle Commission and prescribing its duties and powers.

By Senator Campbell (With Notice and Proof):

S. 621. Relating to Lawrence County; providing for an additional expense allowance and salary for the sheriff.

By Senator Mitchell (With Notice and Proof):

S. 623. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

By Senator deGraffenried (With Notice and Proof):

S. 626. To amend Sections 2, 3, 10, 12, and 14 of Act No. 86-656, H. 12, First Extraordinary Session 1986 (Acts First Special Session 1986, p. 39), relating to Tuscaloosa County and providing for the establishment of districts for the purpose of preventing fires or for fire protection and other public service in the county, to provide for the inclusion in a district of land within a municipality in the county, to provide further for the election of the board of directors of a district, and to provide for the collection of the service charge or fee levied by a district.

By Senator deGraffenried (With Notice and Proof):

S. 629. To amend Sections 11-44B-6 to 11-44B-8, inclusive, Code of Alabama 1975, and to add Section 11-44B-8.1 to the Code of Alabama 1975, to provide further for the operating procedures of mayor-council form of government adopted by Class 4 municipalities.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Notice and Proof):

S. 617. Relating to Class 2 municipalities; to provide Class 2 municipalities and certain public corporations with certain powers to operate hotels and related facilities.

By Senator Figures (With Notice and Proof):

S. 630. Relating to Mobile County; relating to alcoholic beverages and the sale of wine in Mobile County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

By Senator Bedsole (With Notice and Proof):

S. 631. To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory to the City, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

By Rep. Zoghby (With Notice and Proof):

H. 162. Relating to the government of Class 2 municipalities; to provide further for certain administrative, fiscal, and accounting matters, by amending Sections 11-44C-31, 11-44C-55, 11-44C-56, 11-44C-59, 11-44C-62, and 11-44C-66.

RESOLUTIONS

Senators Owens, Smith (B), and Dial offered the following Senate Joint Resolution, to-wit:

SJR 98. RECOGNIZING THE HEROIC SERVICE OF THE 182ND FIELD ARTILLERY BATTALION, AND WELCOMING ITS OFFICERS TO ALABAMA FOR THEIR ANNUAL REUNION.

WHEREAS, the 182nd Field Artillery Battalion, formerly a part of

the Michigan National Guard, was called to active duty on April 7, 1941, shortly before the United States entered into World War II; they landed in England in 1944, under the command of Lieutenant Colonel Richard H. Moore, and served as a part of the 3rd Army under General George S. Patton at Utah Beach; and

WHEREAS, during a tour of duty which included 106 positions and covered some 1,500 miles, the Battallion fought valiantly in Normandy, Northern France, the Rhineland and Germany, and were awarded 4 campaign stars for their noble efforts; they were serving in Salzburg, Austria at the close of the war in 1945; and

WHEREAS, over the past 20 years, the officers of the 182nd have held annual reunions throughout the United States and once in Europe, and now, for a second time, have chosen Alabama as the site for their 1993 reunion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with sincere pleasure and nostalgia that we recognize and remember the courageous 182nd Field Artillery Battallion and welcome its officers to our state.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for presentation to these officers on the occasion of their reunion in Huntsville, Alabama, in September 1993.

On motion of Senator Owens, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 99. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Twenty-Second Legislative day only.

Page

S. 102

58

Driving Under the Influence, further provided for, reduction of blood alcohol level to presume DUI, suspension of driver's license for cert. violations or refusal to take blood alcohol test, Secs. 32-5A-191, 32-5A-194 am'd.

S. 295

38

Driving under influence, penalty for fourth conviction within five yrs., Sec. 32-5A-191 am'd.

S. 145

12

Motor vehicle driven by a person whose driver's license had been suspended or revoked for DUI or driving under influence of controlled substances, req. to be forfeited, condemnation proceedings

On motion of Senator Dial, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 102, adopted.

Yeas 20 Nays 1

Yeas:

Senators:

Bailey, Bedsole, Bolling, Dial, Dixon, Ellis, Floyd, Ghee, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom

-20

Nay: Senator Corbett

- 1

**SPECIAL ORDER
BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 102. Relating to the offense of driving under the influence of alcohol and drugs; to amend Sections 32-5A-191 and 32-5A-194, Code of Alabama 1975, to reduce the blood alcohol level necessary to create the presumption of driving under the influence; to require the Director of the Department of Public Safety to suspend the driver's license or permit of any person the department determines was driving or in actual control of a motor vehicle with a blood alcohol level of 0.08 percent or more or who refused to take the blood alcohol test required under existing law; to provide for the due process procedural requirements and to exempt certain proceedings from the Alabama Administrative Procedure Act; and to provide an effective date.

Senator Floyd offered the following substitute for the Bill, SB 102, to-wit:

SUBSTITUTE FOR SB 102

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the offense of driving under the influence of alcohol

and drugs; to amend Sections 32-5A-191 and 32-5A-194, Code of Alabama 1975, to reduce the blood alcohol level necessary to create the presumption of driving under the influence; to require the Director of the Department of Public Safety to suspend the driver's license or permit of any person the department determines was driving or in actual control of a motor vehicle with a blood alcohol level of 0.08 percent or more or who refused to take the blood alcohol test required under existing law; to provide for the due process procedural requirements and to exempt certain proceedings from the Alabama Administrative Procedure Act; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this act, "alcohol concentration" means either the percent of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood or grams of alcohol per 210 liters of breath.

(b) The Director of the Department of Public Safety, or his or her agent, shall suspend the driving privilege of any person upon a determination that the person drove or was in actual physical control of a motor vehicle while the alcohol concentration in the person's blood or breath was 0.08 percent or more.

(c) The director, or his or her agent, shall suspend the driving privilege of any person upon a determination that the person refused a test to determine alcohol concentration in that person's blood as provided in Section 32-5-192, Code of Alabama 1975.

(d) The director, or his or her agent, shall make a determination of these facts on the basis of the report of a law enforcement officer required in Section 2 of this act, and this determination shall be final unless an administrative review is requested under Section 7 of this act or a hearing is held under Section 8 of this act.

(e) The determination of these facts by the director, or his or her agent, is independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of these criminal charges shall not affect any suspension under this section.

Section 2. (a) A law enforcement officer who arrests any person for a violation of Section 32-5A-191, Code of Alabama 1975, shall immediately forward to the Department of Public Safety a sworn report of all information relevant to the enforcement action, including information which adequately identifies the arrested person, a statement of the officer's grounds for belief that the person violated Section 32-5A-191, Code of Alabama 1975, a report of the results of any

chemical test, or refusal to submit to a test, which was conducted and a copy of the citation or complaint filed with the court.

(b) The report required by this section shall be made on forms supplied by the Department of Public Safety or in a manner specified by regulations of that department.

Section 3. (a) Upon receipt of the report of the law enforcement officer, the Director of the Department of Public Safety, or his or her agent, shall make the determination described in Section 1 of this act. If the director, or his or her agent, determines that the person is subject to driving privilege suspension and notice of suspension has not been served upon the person by an enforcement officer, as required in Section 4 of this act, the director, or his or her agent, shall issue a notice of suspension.

(b) The notice of suspension shall be mailed to the person at the last known address shown on the department's record. The notice is deemed received three days after mailing.

(c) The notice of suspension shall clearly specify the reason and statutory grounds for suspension, the effective date of the suspension, the right of the person to request an administrative review and a hearing, the procedure for requesting an administrative review and a hearing, and the date by which a request for an administrative review must be made in order to receive a determination prior to the effective date of the suspension.

(d) If the director, or his or her agent, determines that the person is not subject to driving privilege suspension, the director, or his or her agent, shall notify the person of the determination and shall rescind any order of suspension served upon the person by the enforcement officer.

Section 4. (a) Whenever the chemical test results for a person who is being charged with a violation of Section 32-5A-191, Code of Alabama 1975, show a blood alcohol concentration of 0.08 percent or more, or the person refuses a test, the officer, acting on behalf of the Director of the Department of Public Safety, shall serve the notice of suspension personally on the arrested person.

(b) When the law enforcement officer serves the notice of suspension, the officer shall take possession of any driver's license issued by this state which is held by the person. When the officer takes possession of a valid driver's license issued by this state, the officer, acting on behalf of the director, shall issue a temporary permit which is valid for 30 days after its date of issuance.

(c) A copy of the completed notice of suspension form, a copy of

any completed temporary permit form, and any driver's license taken into possession under this section, shall be forwarded immediately to the department by the officer.

(d) The department shall provide forms for notice of suspension and for temporary permits to law enforcement agencies.

Section 5. (a) The driving privilege suspension shall become effective 30 days after the subject person has received the notice of suspension as provided in Section 4 of this act, or is deemed to have received the notice of suspension by mail as provided in Section 3 of this act.

(b) The period of driving privilege suspension under this section shall be as follows:

(1) The period shall be 90 days if the person's driving record shows no prior alcohol or drug related enforcement contacts during the immediately preceding five years.

(2) The period shall be one year revocation if the person's driving record shows one prior alcohol or drug related enforcement contacts during the immediately preceding five years.

(3) The period shall be three years revocation if the person's driving record shows two or three alcohol or drug related enforcement contacts during the immediately preceding five years.

(4) For purposes of this section, "alcohol or drug related enforcement contacts" shall include any suspension or revocation under this act, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving a motor vehicle while having an unlawful blood alcohol concentration, or while under the influence of alcohol, drugs, or alcohol and drugs.

(c) Where a license is suspended or revoked under this section and the person is also convicted on criminal charges arising out of the same occurrence for a violation of Section 32-5A-191, Code of Alabama 1975, the suspension or revocation under this section shall be imposed, but no period of suspension or revocation shall be imposed under Section 32-5A-191, Code of Alabama 1975.

Section 6. (a) The periods of suspension or revocation specified by Section 5 of this act are intended to be minimum periods of suspension or revocation for the described conduct. No driving privilege shall be restored under any circumstances and no license of any

classification shall be issued during the suspension or revocation period.

(b) Following a license suspension or revocation, the Department of Public Safety shall not issue a new license or otherwise restore the driving privilege until the Director of the Department of Public Safety, or his or her agent, is satisfied that it will be reasonably safe to permit the person to drive a motor vehicle upon the highways. No driving privilege may be restored until all applicable reinstatement fees have been paid.

Section 7. (a) Any person who has received a notice of suspension or revocation under this act may request an administrative review. The request may be accompanied by a sworn statement or statements and any other relevant evidence which the person wants the Director of the Department of Public Safety, or his or her agent, to consider in reviewing the determination made pursuant to Section 1 of this act.

(b) When a request for an administrative review is made, the director, or his or her agent, shall review the determination made pursuant to Section 1 of this act. In the review, the director, or his or her agent, shall give consideration to any relevant sworn statement or other evidence accompanying the request for the review, and to the sworn statement of the law enforcement officer required by Section 2 of this act. If the director, or his or her agent, determines, by the preponderance of the evidence, that the person drove or was in actual physical control of a motor vehicle while having a blood alcohol concentration of 0.08 percent or more, or the person refused the test, the director, or his or her agent, shall sustain the order of suspension or revocation. If the evidence does not support such a determination, the director, or his or her agent, shall rescind the order of suspension or revocation. The determination by the director, or his or her agent, upon administrative review is final unless a hearing is requested under Section 8 of this act.

(c) The director, or his or her agent, shall make a determination upon administrative review prior to the effective date of the suspension or revocation order if the request for the review is received by the department within eight days following service of the notice of suspension or revocation. Where the request for administrative review is received by the department more than eight days following service of the notice of suspension or revocation, the director, or his or her agent, shall make the determination within 20 days following the receipt of the request for review.

(d) A request for administrative review does not stay the driving privilege suspension or revocation. If the director, or his or her agent, is unable to make a determination within the time limits specified in

subsection (c) of this section, it shall stay the suspension or revocation pending the determination.

(e) The request for administrative review may be made by mail or in person to the Department of Public Safety, Montgomery, Alabama.

(f) A person may request and be granted a hearing under Section 8 of this act without first requesting administrative review under this section. An administrative review is not available after a hearing is held.

Section 8. (a) Any person who has received a notice of suspension or revocation may make a written request for a review to the director, or his or her agent, for determination at a hearing. If the person's driver's license has not been previously surrendered, it must be surrendered at the hearing. A request for a hearing does not stay the driving privilege suspension or revocation.

(b) The hearing shall be scheduled to be held as quickly as practicable not more than 30 days of the filing of the request for a hearing. The hearing shall be held at a location designated by the director unless the parties agree to a different location. The department shall provide a written notice of the time and place of the hearing to the party requesting the hearing at least five days prior to the scheduled hearing, unless the parties agree to waive this requirement.

(c) The presiding hearing officer shall be the director or an authorized agent designated by the director. The presiding hearing officer shall have authority to: administer oaths and affirmations; to examine witnesses and take testimony; to receive relevant evidence; to issue subpoenas, take depositions, or cause depositions or interrogatories to be taken; to regulate the course and conduct of the hearing; and to make a final ruling on the issue.

(d) The sole issues at the hearing shall be whether by a preponderance of the evidence the person drove or was in actual physical control of a motor vehicle while having a blood alcohol concentration of 0.08 percent or more or whether the person refused a test to determine the alcohol concentration of a person's blood as provided in Section 32-5-192, Code of Alabama 1975. If the presiding hearing officer finds the affirmative of these issues, the suspension or revocation order shall be sustained. If the presiding hearing officer finds the negative of these issues, the suspension or revocation shall be rescinded.

(e) The decision of the presiding hearing officer shall be rendered in writing, and the decision will be provided to the person who requested the hearing.

(f) If the person who requested the hearing fails to appear,

without just cause, the right to a hearing shall be waived, and the earlier determination by the director, or his or her agent, shall be final.

(g) The procedures set forth in this section shall be the sole and exclusive manner to determine the administration of this act. The Alabama Administrative Procedure Act in Sections 41-22-1 to 41-22-27, inclusive, Code of Alabama 1975, shall not apply.

Section 9. (a) Within 30 days of the issuance of the final determination of the Department of Public Safety, following a hearing under Section 8 of this act, a person aggrieved by the determination shall have the right to file a petition in the circuit court of the county where the arrest was made for judicial review. The filing of a petition for judicial review shall not stay the suspension or revocation order.

(b) Trial in the circuit court shall be de novo.

Section 10. A finding of not guilty of DUI by the trial court shall be conclusive and shall under all circumstances set aside the suspension or revocation order for the DUI.

Section 11. Section 32-5A-191, Code of Alabama 1975, is amended to read as follows:

"§32-5A-191.

"(a) A person shall not drive or be in actual physical control of any vehicle while:

"(1) There is ~~0.10~~ 0.08 percent or more by weight of alcohol in ~~his~~ the blood;

"(2) Under the influence of alcohol;

"(3) Under the influence of a controlled substance to a degree which renders ~~him~~ the person incapable of safely driving;

"(4) Under the combined influence of alcohol and a controlled substance to a degree which renders ~~him~~ the person incapable of safely driving; or

"(5) Under the influence of any substance which impairs the mental or physical faculties of ~~such~~ the person to a degree which renders him or her incapable of safely driving.

"(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

"(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than \$250.00 two hundred fifty dollars (\$250) nor more than \$1,000.00 one thousand dollars (\$1,000), or by both ~~such fine and imprisonment~~. In addition, on a first conviction, the director of public safety shall suspend the driving privilege or driver's license of the person so convicted for a period of 90 days. ~~First-time~~ First-time offenders convicted of driving while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the state administrative office of courts. Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances.

"(d) ~~On~~ Upon a second conviction within a five-year period, ~~the~~ a person convicted of violating this section shall be punished by a fine of not less than \$500.00 five hundred dollars (\$500) nor more than \$2,500.00 two thousand five hundred dollars (\$2,500) and by imprisonment, which may include hard labor, in the county or municipal jail for not more than one year. ~~Said~~ The sentence ~~to~~ shall include a mandatory sentence, which is not subject to suspension or probation, of imprisonment in the county or municipal jail for not less than 48 consecutive hours or community service for not less than 20 days. In addition, the director of public safety shall revoke the driving ~~privileges~~ privilege or driver's license of the person so convicted for a period of one year.

"(e) ~~On~~ Upon a third or subsequent conviction within a five-year period, ~~the~~ a person convicted of violating this section shall be punished by a fine of not less than \$1,000.00 one thousand dollars (\$1,000) nor more than \$5,000.00 five thousand dollars (\$5,000) and by imprisonment, which may include hard labor, in the county or municipal jail for not less than 60 days nor more than one year, to include a minimum of 60 days which shall be served in the county or municipal jail and which cannot be probated or suspended. In addition, the director ~~of public safety~~ shall revoke the driving privilege or driver's license of the person so convicted for a period of three years.

"(f) All fines collected for violation of this section resulting from arrests by state officers and all fines collected pursuant to a felony conviction shall be paid into the state general fund; ~~all~~ All fines ~~so~~ collected for violations resulting from arrests by county or municipal officers shall be disbursed as is otherwise provided for by law.

"(g) A person who has been arrested for violating ~~the provisions~~ of this section shall not be released from jail under bond or otherwise, until there is less than ~~the same~~ 0.08 percent by weight of alcohol in his or her blood as specified in subsection (a)(1) ~~hereof~~."

Section 12. Section 32-5A-194, Code of Alabama 1975, is amended to read as follows:

"§32-5A-194.

"(a) Upon the trial of any civil, criminal, or quasi-criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual control of a vehicle while under the influence of alcohol or controlled substance, evidence of the amount of alcohol or controlled substance in a person's blood at the alleged time, as determined by a chemical analysis of the person's blood, urine, breath, or other bodily substance, shall be admissible. ~~Where such~~ When a chemical test is made, the following provisions shall apply:

"(1) Chemical analyses of the person's blood, urine, breath, or other bodily substance to be considered valid under ~~the provisions of this~~ section shall have been performed according to methods approved by the department of forensic sciences and by an individual possessing a valid permit issued by the ~~department of forensic sciences for this that~~ purpose. The court ~~trying the case~~ may take judicial notice of the methods approved by the department of forensic sciences. The ~~department of forensic sciences is authorized to may~~ approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct ~~such analyses, and to~~ The department shall also issue permits which shall be subject to termination or revocation at the discretion of the department of forensic sciences. The department of ~~forensic sciences~~ shall not approve the permit required in this section for making tests for any law enforcement officer other than a member of the state highway patrol, a sheriff or his or her deputies deputy, a city ~~policeman~~ police officer, or laboratory personnel employed by the department of forensic sciences.

"(2) When a person ~~shall submit~~ submits to a blood test at the direction of a law enforcement officer under ~~the provisions of~~ section 32-5-192, only a physician, ~~or~~ a registered nurse, ~~or other qualified person~~ may withdraw blood for the purpose of determining the alcoholic content ~~therein of the blood~~. This limitation shall not apply to the taking of breath or urine specimens. If the test given under section 32-5-192 is a chemical test of urine, the person tested shall be given ~~such~~ the privacy in the taking of ~~the~~ a urine specimen ~~as that~~ as will insure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

"(3) The person tested may, at his or her own expense, have a physician, ~~or~~ a qualified technician, registered nurse, or other qualified person of his or her own choosing administer a chemical test ~~or tests~~ in addition to any administered at the discretion of a law enforcement officer. The failure or inability to obtain an additional test by a person

shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

"(4) Upon the written request of the person who ~~shall submit~~ submits to a chemical test ~~or tests~~ at the request of a law enforcement officer, full information concerning the test ~~or tests~~ shall be made available to ~~him or his~~ the person or his or her attorney.

"(5) Percent by weight of alcohol in the blood shall be ~~based upon grams of alcohol per 100 cubic centimeters of blood or grams of alcohol per 210 liters of breath~~ determined as provided by subsection (a) of Section 1 of this act.

"(b) Upon the trial of any civil, criminal, or quasi-criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

"(1) If there were at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of alcohol.

"(2) If there were at the time in excess of 0.05 percent but less than ~~0.10~~ 0.08 percent by weight of alcohol in the person's blood, ~~such the fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such the fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.~~

"(3) If there were at that time ~~0.10~~ 0.08 percent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of alcohol.

"(4) ~~The foregoing provisions of~~ Notwithstanding the foregoing, this subsection shall not be construed as ~~limiting to~~ limit the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcohol.

"(c) If a person under arrest refuses to submit to a chemical test under ~~the provisions of~~ section 32-5-192, evidence of refusal shall be admissible in any civil, criminal, or quasi-criminal action, or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or controlled substance.

"(d) No physician, registered nurse, ~~or~~ duly licensed chemical

laboratory technologist, or clinical laboratory technician, or medical facility shall incur any civil or criminal liability as a result of ~~the proper~~ properly administering of a blood test when requested in writing by a law enforcement officer to administer ~~such a~~ the test."

Section 13. This act applies to conduct occurring after its effective date. Conduct occurring before the effective date of this act shall be governed by pre-existing law.

Section 14. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 15. This act shall become effective 120 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Ghee, Hill, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -28

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 563. Relating to Shelby County; authorizing the county commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act; and providing for a termination date.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF SB 102

The Senate proceeded to further consideration of the Bill, SB 102, as amended by the substitute.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 563. Relating to Shelby County; authorizing the county commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act; and providing for a termination date.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 142. To provide for the offense of giving a false name or address to a law enforcement officer; and to provide penalties.

DON HALE,
Chairperson.

SIGNING OF BILLS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF SB 102

The Senate proceeded to further consideration of the Bill, SB 102, as amended by the substitute.

Senator Corbett offered the following amendment to the Bill, SB 102, as amended by the substitute, to-wit:

AMENDMENT TO SB 102, AS AMENDED

On page 11, after line 30, insert a new sentence after the period (.).

Any provision of this section notwithstanding, in the judge's discretion, the person on first conviction may be allowed to drive to and from the person's employment and during the course of employment.

Which was adopted.

Yeas 22 Nays 7

Yeas:

Senators:

Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Owens, and Smith (B) -22

Nays:

Senators:

Amari, Bailey, Ellis, Mitchell, Smith (J), Wilson, and Windom - 7

And said Bill, SB 102, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -30

Nay: Senator Corbett

- 1

BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., SB 295, adopted.

Yeas 27 Nays 1

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -27

Nay: Senator Corbett

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 295. To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving under the influence of alcohol and drugs to increase the penalties and sanctions for a fourth and subsequent conviction.

was taken up.

The Standing Committee on Judiciary/Criminal Justice and Public Safety reported the following amendment to the Bill, SB 295, to-wit:

AMENDMENT TO SB 295

On page 4, line 19, at the end of subsection (f), add the following:

Any law to the contrary notwithstanding, the Alabama Habitual Offender law, Section 13A-5-9, shall not apply to a conviction of a felony pursuant to this subsection, and a conviction of a felony pursuant to this subsection shall not count as a felony conviction for purposes of the enhancement of punishment pursuant to Section 13A-5-9.

On motion of Senator Ghee, said amendment was laid on the table.

Senator Ghee then offered the following substitute for the Bill, SB 295, to-wit:

SUBSTITUTE FOR SB 295

A BILL TO BE ENTITLED AN ACT

To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving under the influence of alcohol and drugs to increase the penalties and sanctions for a fourth and subsequent conviction.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5A-191, Code of Alabama 1975, is amended to read as follows:

"§32-5A-191.

"(a) A person shall not drive or be in actual physical control of any vehicle while:

"(1) There is 0.10 percent or more by weight of alcohol in his or her blood;

"(2) Under the influence of alcohol;

"(3) Under the influence of a controlled substance to a degree which renders him or her incapable of safely driving;

"(4) Under the combined influence of alcohol and a controlled substance to a degree which renders him or her incapable of safely driving; or

"(5) Under the influence of any substance which impairs the mental or physical faculties of such person to a degree which renders him or her incapable of safely driving.

"(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

"(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than \$250.00 nor more than \$1,000.00, or by both such fine and imprisonment. In addition, on a first conviction, the director of public safety shall suspend the driving privilege or driver's license of the person so convicted for a period of 90 days. ~~First time offenders convicted of driving while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the state administrative office of courts. Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances.~~

"(d) On a second conviction within a five-year period, ~~the~~ a person convicted of violating this section shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00 and by imprisonment, which may include hard labor in the county or municipal jail for not more than one year. ~~Said~~ The sentence ~~to~~ shall include a mandatory

sentence which is not subject to suspension or probation of imprisonment in the county or municipal jail for not less than 48 consecutive hours or community service for not less than 20 days. In addition the director of public safety shall revoke the driving privileges or driver's license of the person so convicted for a period of one year.

"(e) On a third ~~or subsequent~~ conviction within a five-year period, ~~the~~ a person convicted of violating this section shall be punished by a fine of not less than \$1,000.00 nor more than \$5,000.00 and by imprisonment, which may include hard labor, in the county or municipal jail for not less than 60 days nor more than one year, to include a minimum of 60 days which shall be served in the county or municipal jail and which cannot be probated or suspended. In addition, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of three years.

"(f) On a fourth or subsequent conviction within a five-year period, a person convicted of violating this section shall be guilty of a Class C felony and punished by a fine of not less than \$2,000 nor more than \$5,000 and by imprisonment of not less than one year and one day nor more than 10 years. Any term of imprisonment may include hard labor for the county or state, and where imprisonment does not exceed three years, confinement may be in the county jail. The minimum sentence shall include a term of imprisonment for at least one year and one day which may be suspended or probated, but only if the defendant enrolls and successfully completes a state certified chemical dependency program recommended by the court referral officer and approved by the sentencing court. Where probation is granted, the sentencing court may, in its discretion, and where monitoring equipment is available, place the defendant on house arrest under electronic surveillance during the probationary term. In addition to the other penalties authorized, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of five years.

Any law to the contrary notwithstanding, the Alabama Habitual Felony Offender law shall not apply to a conviction of a felony pursuant to this subsection, and a conviction of a felony pursuant to this subsection shall not count as a felony conviction for purposes of the enhancement of punishment pursuant to Alabama's Habitual Felony Offender law.

"(g) In addition to the penalties provided herein, any person convicted of violating any provision of this Act shall be referred to the court referral officer for evaluation and referral to appropriate community resources. Provided, however, the defendant shall, at a minimum, be required to complete a DUI or substance abuse court referral program approved by state administrative office of courts and operated in accordance with provisions of the mandatory treatment act.

REGULAR SESSION
22nd Day

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Further, the department of public safety shall not reissue a driver's license to a person convicted under this act without receiving proof that the defendant has successfully completed the required program.

"(h) Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances.

"(f) (i) All fines collected for violation of this section resulting from arrests by state officers shall be paid to the state general fund; provided, however, that all fines so collected for violations of this act charged pursuant to a municipal ordinance resulting from arrests by county or municipal officers shall be disbursed as is otherwise provided for by law shall be distributed to the general fund of the municipality.

"(g) (i) A person who has been arrested for violating the provisions of this section shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in subsection (a)(1) hereof."

"(k) Upon verification that a defendant arrested pursuant to the provisions of this Act is currently on probation from another court of this state as a result of a conviction for any criminal offense, the prosecutor shall provide written or oral notification to the court in which the prior conviction occurred of the defendant's subsequent arrest and pending prosecution.

Section 2. This act applies to conduct occurring after its effective date. Conduct occurring before the effective date of this act shall be governed by pre-existing law.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective 120 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-26

Nays:

- 0

Senator Floyd offered the following amendment to the Bill, SB 295, as amended by the substitute, to-wit:

AMENDMENT TO SB 295, AS AMENDED

Amend Senate Bill No. 295, as amended by the substitute, Page 4 Line 21, as follows:

By adding after the following "county jail." the following:

Where imprisonment does not exceed one year and one day, confinement shall be in the county jail.

Which was adopted.

Yeas 23 Nays 1

Yeas:

Senators:

Bennett, Bolling, Corbett, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom -23

Nay: Senator Ellis

- 1

Senator Corbett offered the following amendment to the Bill, SB 295, as amended by the substitute, as amended, to-wit:

AMENDMENT TO SB 295, AS AMENDED

On page 1, line 25, after the period insert a new sentence as follows:

Further, in the judge's discretion, the person on first conviction may be allowed to drive to and from the person's employment and during the course of employment.

On page 3, after line 15, insert a new sentence after the period (.). It shall read:

Any provision of this section notwithstanding, in the judge's discretion, the person on first conviction may be allowed to drive to and from the person's employment and during the course of employment.

Which was adopted.

Yeas 23 Nays 4

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Yeas:

Senators:

Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-23

Nays:

Senators:

Amari, Bailey, Ellis, and Parsons
- 4

And said Bill, SB 295, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Wilson, and Windom
-30

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., SB 145, adopted.

Yeas 26 Nays 1

Yeas:

Senators:

Bailey, Barron, Bedsole, Bennett, Bolling, Denton, Dial, Dixon, Escott-Russell, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom
-26

Nay: Senator Corbett

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 145. To provide for forfeiture of a motor vehicle driven or operated by a person with a suspended or revoked driver's license as a result of a conviction for driving a vehicle while under the influence of alcohol or a controlled substance, and to establish a procedure for forfeiture.

was taken up.

Senator Windom offered the following amendment to the Bill, SB 145, to-wit:

AMENDMENT TO SB 145

On page 1, line 15, after the word "driven" insert the following words:

under the influence

On page 1, line 27, after the word "operated" insert the following words:

under the influence

On page 2, Section 1, line 1, after the word "person" insert the words:

under the influence

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Smith (B), Smith (J), Waggoner, Wilson, and Windom

-26

Nays:

- 0

Senator Amari offered the following amendment to the Bill, SB 145, as amended, to-wit:

AMENDMENT TO SB 145, AS AMENDED

On page 1, line 30, after the word "forfeiture" insert the words:

and the limitation on the sums generated from the forfeiture

On page 2, line 23, after "4" insert (a).

On page 3, after line 21, insert the following:

(b) When a motor vehicle is forfeited pursuant to this act, in no event shall the court or law enforcement retain more than the maximum fine assessed by Section 32-5A-191(b) of the Code of Alabama 1975, and any remaining sums shall be credited to the defendant.

Which was adopted.

Yeas 23 Nays 0

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1163

Yeas:

Senators:

Amari, Bailey, Barron, Bennett, Campbell, Corbett, Denton, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Smith (B), Smith (J), Waggoner, and Windom
-23

Nays: - 0

Senator Corbett offered the following amendment to the Bill, SB 145, as amended, to-wit:

AMENDMENT TO SB 145, AS AMENDED

On page 3, delete lines 18 to 21, inclusive, in their entirety and insert the following language:
for substance abuse programs in the county or municipality.

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Parsons, Waggoner, and Windom
-20

Nays: - 0

Senator Floyd offered the following amendment to the Bill, SB 145, as amended, to-wit:

AMENDMENT TO SB 145, AS AMENDED

Amend Senate Bill No. 145, as amended, Page 2, Line 26, as follows:

By striking

"(1) Retain it for official use."

And renumber accordingly.

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Dixon, Escott-Russell, Floyd, Ghee, Hale, Lindsey, Lipscomb, Little, Mitchell, Parsons, Smith (B), Smith (J), Waggoner, and Windom
-19

Nays: - 0

Senator Figures offered the following amendment to the Bill, SB 145, as amended, to-wit:

AMENDMENT TO SB 145, AS AMENDED

On page 3, Section 5, line 23, after word "forfeited" insert the words:

or otherwise affected

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bennett, Bolling, Campbell, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Horn, Lindsey, Lipscomb, Little, Mitchell, Smith (B), Smith (J), Waggoner, and Windom -22

Nays:

- 0

Senator Floyd offered the following amendment No. 2 to the Bill, SB 145, as amended, to-wit:

AMENDMENT NO. 2 TO SB 145, AS AMENDED

Amend Senate Bill No. 145, as amended, Page 2, Line 6, as follows:

By striking the word "shall" and by inserting in lieu thereof

"may at the discretion of the Trial Court"

Which was adopted.

Yeas 12 Nays 9

Yeas:

Senators:

Barron, Bolling, Corbett, deGraffenried, Escott-Russell, Figures, Floyd, Ghee, Lindsey, Lipscomb, Little, and Sanders -12

Nays:

Senators:

Bailey, Dixon, Hill, Mitchell, Owens, Smith (B), Smith (J), Waggoner, and Windom - 9

On motion of Senator Escott-Russell, the Senate reconsidered the vote by which the Floyd amendment No. 2 was adopted.

On motion of Senator Escott-Russell said amendment was laid on the table.

Senator Escott-Russell then offered the following amendment to the Bill, SB 145, as amended, to-wit:

AMENDMENT TO SB 145, AS AMENDED

On page 1, line 20, after the words "motor vehicle" insert the following words:

, except when the judge makes exceptions for family hardship cases and so orders.

On page 1, line 30, after "forfeiture" add and certain exceptions for family hardship cases

On page 2, in line 23 after "4" insert (a)

On page 3, after line 21, insert the following:

(b) When a motor vehicle is forfeited pursuant to this act, the judge may upon petition of the family make exceptions for family hardship cases and may so order.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Bennett, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Lindsey, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -22

Nays:

- 0

And said Bill, SB 145, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Waggoner, and Windom -27

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 102. Relating to the offense of driving under the influence of alcohol and drugs; to amend Sections 32-5A-191 and 32-5A-194, Code of Alabama 1975, to reduce the blood alcohol level necessary to create the presumption of driving under the influence; to require the Director of the Department of Public Safety to suspend the driver's license or permit of any person the department determines was driving or in actual control of a motor vehicle with a blood alcohol level of 0.08 percent or more or who refused to take the blood alcohol test required under existing law; to provide for the due process procedural requirements and to exempt certain proceedings from the Alabama Administrative Procedure Act; and to provide an effective date.

DON HALE,
Chairperson.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 100. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the Twenty-Second legislative day and then precedent over all other matters for the Twenty-Third and Twenty-Fourth legislative days of the 1993 Regular Session only:

	Page
S. 382	60
Tenth Judicial Circuit dist. atty. may appt. deputy dist. atty., Act 90-202, Reg. Sess. 1990 am'd.	
S. 334	39
Animal research, agricultural, commercial or ed. facilities, crimes re, penalties	
S. 467	81
Alabama Public School and College Auth., sale of bonds, auth.	

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S. 465	120
Coal severance tax, disbursement further provided, Sec. 40-13-6 am'd.	
S. 469	110
Coal and lignite severance taxes, distrib. further provided for, Sec. 40-13-32 am'd.	
S. 573	160
Schools, posting of excerpts of cert. historical and public documents permitted, cert. censorship prohib., notification	
S. 549	136
Limited Liability Company Act, formation of limited liability companies allowed	
S. 201	19
Rural or small hospitals, income tax credit granted to physicians in rural communities	
S. 422	73
Bail bonds, laws re substantially alt.	
H. 125	155
Employees in dist. atty. offices, may purchase credit for service, effective date, payment of employee's share	
S. 562	145
Sports Festival, approp.	
S. 527	147
State Health Planning and Development Agency, certificate of need delayed until July 1, 1996, Sec. 22-21-267 am'd.	
S. 555	162
Trucks, length restriction, incr. if cert. requirements are met, Sec. 32-9-20 am'd.	
S. 408	48
One call notification center provided for construction affecting underground facilities	
S. 530	131
Alzheimer's Disease, Mental Health and Mental Retardation Dept. to provide education programs and training services re to certify health care providers, approp., fees	
S. 360	72
Retired judge of probate allowed to participate in state employees health ins.	

S. 544	163
Workers' compensation, applicable to cert. gen. contractors, Sec. 25-5-50 am'd.	
S. 536	140
Tobacco Use Act of 1993, estab., sale, distribution, and use of tobacco and tobacco products reg., penalties, Sec. 13A- 12-3 repealed	
S. 370	109
Smoking in public places or meetings, prohib. except in desig. areas	
S. 561	148
Jackson Co., cert. muns. may conduct local elections re sale of alcoholic beverages	
S. 461	86
Pilots of ships and vessels, comp. incr., Sec. 33-4-48 am'd.	
S. 169	161
Motor vehicles, front seat occupants req. to wear safety belts, meter reader of a utility exempted, Sec. 32-5B-4, Act 91-255, Reg. Sess. 1991 am'd.	
S. 419	55
State funds, incl. housing assistance progs. in Wallace Plan for Linked Deposits, Secs. 5-21-2, 5-21-3, 5-21-4, 5-21-9 am'd.	
S. 492	124
Child abuse, investigations, Secs. 26-14-1, 26-14-3, 26-14-7 am'd.	
S. 5	2
Elevators, licensing of provided	
S. 566	138
Foreclosure advertised notices of real prop., req. to incl. street address or nearest location	
S. 401	56
Unpaved roads, max. speed limit, 25 mph, Sec. 32-5A-171, 32-5A-173 am'd.	
S. 117	64
Railroads, private and logging, reg. of safety at public road crossing, Sec. 37-1-37 am'd.	

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S. 397	142
County comms., auth. to contract to build and operate private prisons	
S. 282	31
Penny Trust Fund, matching funds for special ed. trust and gen. fund, limits, procedure, Sec. 41-15A-5 repealed	
S. 435	57
Judicial retirement system, cert. judges may purchase add'l. time, Sec. 12-18-6 am'd.	
S. 373	40
Family violence protection order enforcement provided	
S. 533	135
Insurance Holding Company System Regulatory Act, to be brought into compliance with the model act adopted by the National Association of Insurance Commissioners, Secs. 27-29-1 to 27-29-5 am'd.	
S. 493	112
Surplus line insurers who are not licensed to transact business in Ala., reg., Secs. 27-10-24, 27-10-26 am'd.	
H. 21	90
Taxation, ad valorem tax for fire protection purposes, distrib., consti. amend.	
S. 170	43
Alabama State Special Olympics, Inc., exec. dir. and cert. employees eligible for membership and credited service in Teachers' Retirement System	
H. 48	154
Fire protection, ad valorem tax levied, use of proceeds, revolving loan fund for volunteer fire depts., admin. by St. Treasurer, advisory bd., use by St. Fire College	
S. 559	137
Cullman, city of, election of school bd., consti. amend.	
H. 1	153
Goodwill Industries; Ala. Goodwill Industries, Inc.; Goodwill Industries of Mobile Area, Inc.; Goodwill Industries of Central Ala., Inc., exempted from all st., co., and mun. sales and use taxes	

S. 349	42
Indigent defense services, contract counsel system, county use provided, Secs. 15-12-1 and 15-12-25, am'd.	
H. 3	116
Animal research, agricultural, commercial or ed. facilities, crimes re, penalties	
H. 4	116
Crimes and offenses, unlawful, wanton, malicious killing, or disabling livestock, penalties, definition and damages	
S. 410	51
Defendant who wins in an admin. or judicial case involving the st., may petition the ct. for ct. costs and attorney's fees	
S. 182	84
Law enforcement officers, cert. rights and privileges, receipt and processing of complaints	
S. 10	76
Jefferson Co., deputy dist. atty, number incr., Act 90-542, Reg. Sess. 1990 am'd.	
S. 25	130
Pickensville, corp. limits alt.	
S. 32	94
Jefferson Co., co. comm. to be furnished car or car exp allow.	
S. 126	93
Class 1 muns. (Birmingham), planning and zoning comms., appointed membs. comp. provided, Sec. 11-52-3 am'd.	
S. 192	95
Class 1 muns. (Birmingham), bd. of ed. elected from nine single-memb. dists.	
S. 315	76
Jefferson Co., Bd. of Health, tanning facilities reg.	
S. 319	77
Jefferson Co., practice of tattooing reg.	
S. 413	131
Limestone Co., special recording fee in probate judge's office, distrib. alt.	

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S. 441	131
DeKalb Co., cert. taxing powers and home rule authority removed, Act 91-610, Reg. Sess. 1991 repealed	
S. 471	95
Vestavia Hills, ad valorem tax incr., referendum	
S. 519	137
Alabaster, civil service system and personnel bd. estab.	
S. 526	134
Mobile Co., withholding of income taxes and entitled to interest earned, incr. advertising amt., allow gaming devices, taxation and distrib., exemptions, penalties, Act 86-545, Reg. Sess. 1986 am'd.	
S. 550	137
Montgomery Co., fire protection and emergency services, special ad valorem tax levied, referendum, consti. amend.	
S. 553	138
Calhoun Co., alcoholic beverage sales tax, date licensee req. to report to probate judge alt., Act 92-465, Reg. Sess. 1992 am'd.	
S. 560	137
Cullman, bd. of ed., election	
S. 564	138
Shelby Co., work release prog., cost of inmate supervision further provided for, Act 596, Reg. Sess. 1975 am'd.	
S. 576	148
Morgan Co., bd. of registrars, comp., Act 773, Reg. Sess. 1977 am'd.	
S. 591	164
Greene Co., ad valorem tax, add'l. levied, referendum	
S. 592	164
Greene Co., dog track, revenue from, distrib. alt., Act 376, Reg. Sess. 1975 am'd.	
S. 598	165
Lisman, corp. limits alt.	
S. 593	158
Boards of ed., co. and city, relieved from filing written policies with st. supt. of ed., Secs. 16-8-10, 16-11-18 am'd.	

H. 282	156
Teacher Education Scholarship Loan Program estab., Secs. 16-6A-11 to 16-6A-13, 16-23-18 to 16-23-23 repealed	
S. 290	62
Child labor laws, rewritten, Secs. 25-8-1 through 25-8-25, 25-8-27, 25-8-28, 25-8-30, 25-8-31 repealed	
S. 416	108
County bd. of ed., vacancy appointment for unexpired term or next election, Sec. 16-8-6 am'd.	
S. 569	146
Tax for relief of needy Confederate soldiers and sailors, portion of surplus to Alabama Veterans Foundation, Sec. 38-4-12 am'd.	
S. 331	119
Employer immunity from civil liability for providing job performance or professional conduct evaluations of former employees	
S. 194	112
Probate record files, consolidated in one book	
S. 445	127
Rescue units exempted from sales and use taxes, Sec. 40-23-5 am'd.	
S. 166	31
Area Agency on Aging, employees may participate in st. employees insurance plan, Sec. 36-29-14 am'd.	
S. 197	125
Administrative Procedure Act, rulemaking, time period, legis. review, contested cases, judicial review, petition, parties, standards, discovery and subpoena in contested cases, Secs. 41-22-5, 41-22-6, 41-22-20 through 41-22-23 am'd.	
S. 585	161
Commission on Education Reform of 1993, created	
S. 316	42
Alabama Coalition Against Domestic Violence, Inc., estab., membership standards adopted	
S. 127	20
State inmates charged at same rate as Medicaid patients for hospitals that receive public funds	

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S. 223	20
Prisoners in mun., co., or st. facilities, testing re sexually transmitted disease, victim of sex offense may obtain HIV test results, Sec. 22-11A-17 am'd.	
S. 149	43
Marine Environmental Sciences Consortium, bd. of dirs., chief exec. officer of memb. inst. may designate replacement, Sec. 16-45-4 am'd.	
S. 210	12
Motor Vehicle Safety Responsibility Act, proof of financial responsibility after accident, min. insured or security, Secs. 32-7-2, 32-7-8, 32-7-22, 32-7-27 am'd., Sec. 32-7-39 repealed	
S. 265	9
Liquefied Petroleum Gas Bd., vacancies, notification of work on gas systems, research and ed. committee, research and ed. fund, Secs. 9-17-100, 9-17-104, 9-17-109, 9-17-110 am'd.	
S. 308	33
Elections, holding of, notice, designation of voting places, installation and maintenance of voting machines, Secs. 11-46-5, 11-46-22, 11-46-24, and 17-9-4 am'd.	
S. 184	5
Fraternal Order of Police, distinc. license plates auth.	
S. 253	32
County Commissioners College, legis. intent, bd. membs., appt., funding, education	
S. 354	158
Mentally ill, temp. commitment procedure estab.	
S. 258	19
Radiation Advisory Bd., veterinarian incl., Sec. 22-14-5 am'd.	
S. 254	27
Murder of one or more persons during one continuing criminal enterprise, deemed capital offense, Sec. 13A-5-40 am'd.	
S. 178	41
Prisoners, may have cert. voting rts. reinstated upon com-	

pletion of sentence and if other conditions are met, firearm privileges excluded, Sec. 17-3-10 repealed

- S. 227** 68
Judicial Retirement System, service and contributions may be transferred from to Teachers' Retirement System or Employees' Retirement System
- S. 148** 96
Forest products, severance tax, alt. method of levy, Sec. 9-13-82 am'd.
- S. 378** 97
Human Resources Dept., fees for investigation in divorce cases, Sec. 30-3-7 repealed
- S. 232** 69
Peace Officers' Annuity and Benefit Fund, persons retiring under may retire with 25 years of service, Sec. 36-21-70 am'd., Act 92-438, Reg. Sess. 1992 am'd.
- S. 167** 45
State Employee Injury Compensation Program, estab., remedy for employees injured at work, Secs. 41-9-62, 41-9-68 am'd.
- S. 446** 85
State employees, civil cause of action may be taken if employee reports a violation of st. law and detrimental action to the employee is taken as result
- S. 411** 52
Settlement monies accruing to the st. from lawsuits to be deposited in gen. fund unless it interferes with restitution
- S. 321** 71
Judges of probate, max. disability pension benefits provided
- S. 546** 163
Ad valorem tax, prop. subject to rent-to-own contracts, exempt, Sec. 40-9-1 am'd.
- S. 434** 57
Child abuse, crime of transferred to criminal code, Secs. 26-15-1 to 26-15-4 repealed
- S. 125** 41
Divorce settlement awards, allowance for retirement pension benefits further provided, Sec. 30-2-51 am'd.

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S. 572	147
Gang activities, enhanced punishment estab., forfeiture of property	
S. 263	8
Regional planning and development commissions, powers and duties expanded, Sec. 11-85-56 am'd.	
S. 246	24
University of Montevallo, firearms or other weapons, possession of on school premises or during school activities or transportation, penalties	
S. 457	146
Insurance contracts, incl. HMOs, providing family coverage for newborns also shall incl. medically necessary early intervention care, Sec. 27-19-38 am'd.	
S. 450	56
Medical debts incurred in st. licensed hospital, spouse to be held liable	
S. 372	53
Historic Chattahoochee Commission, election and voting, Sec. 41-9-311 am'd.	
S. 175	29
Boards of ed., co. and city, req. to give all employees written copy of policies, Secs. 16-8-10, 16-11-18 am'd.	
S. 449	98
Employees' Retirement System, purchase of up to four yrs. service as cir. clerk or register auth.	
S. 551	170
State docks, transfer of prop. from to local authority, Amendment 443, consti. am'd.	
S. 568	157
Criminal Justice Information Center, policies re arrest and crim. history info. to conform to National Crime Information Center, maintenance and dissemination of arrest info., Secs. 41-9-594, 41-9-625 am'd.; Secs. 41-9-639, 41-9-641 repealed	
S. 324	59
Personal representatives, survival of claims against, Sec. 6-5-462 am'd.	

S. 106	38
Circuit ct., criminal records request, fees, private companies or corp., cir. clks., fund	
S. 320	70
District attys. may collect funds owed to st. and crime victims	
S. 565	144
Auxiliary State Forests, program abolished, Secs. 9-13-40 to 9-13-50 repealed	
S. 489	130
Property and casualty insurance agents, licensure qualifications re citizenship and residency further provided, desig. of personal prop. coverage redefined, Sec. 27-7-5 am'd.	
S. 381	151
Public contracts, auction, colleges, and universities, 2-yr. colleges sealed bids, provided for, Sec. 41-16-123 am'd.	
S. 392	152
State officers and employees, out of state travel, postsecondary education exempted from Governor's authorization, Sec. 36-7-21 am'd.	

Senator Parsons offered the following substitute for the Resolution, SR 100, to-wit:

SUBSTITUTE FOR SR 100

SR 100. SPECIAL ORDER CALENDAR.

On motion of Senator Dial, said substitute was laid on the table.

Yeas 15 Nays 9

Yeas:

Senators:

Bailey, Bennett, Bolling, Corbett, deGraffenried, Dial, Ellis, Figures, Foshee, Hill, Lipscomb, Little, Mitchell, Smith (B), and Wilson - 15

Nays:

Senators:

Amari, Bedsole, Floyd, Ghee, Lindsey, Parsons, Sanders, Smith (J), and Windom - 9

Senator Amari offered the following substitute for the Resolution, SR 100, to-wit:

SUBSTITUTE FOR SR 100

SR 100. SPECIAL ORDER CALENDAR.

Senator Parsons offered the following substitute No. 2 for the Amari substitute for the Resolution, SR 100, to-wit:

SUBSTITUTE NO. 2 FOR AMARI SUBSTITUTE FOR SR 100

SR 100. SPECIAL ORDER CALENDAR.

Senator Dial moved that said Parsons substitute No. 2 be laid on the table, which motion was lost.

And said Parsons substitute No. 2 was then lost.

Yeas 9 Nays 14

Yeas:

Senators:

Amari, Corbett, Escott-Russell, Floyd, Ghee, Horn, Parsons, Wilson,
and Windom - 9

Nays:

Senators:

Bailey, Barron, Bennett, Bolling, deGraffenried, Dial, Ellis, Figures,
Foshee, Hale, Little, Mitchell, Owens, and Waggoner -14

The question recurred on the Amari substitute.

On motion of Senator Dial, said Amari substitute was laid on the table.

Senator Figures offered the following substitute for the Resolution, SR 100, to-wit:

SUBSTITUTE FOR SR 100

SR 100. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the Twenty-Second legislative day and then precedent over all other matters for the Twenty-Third and Twenty-Fourth legislative days of the 1993 Regular Session only:

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S. 382

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Tenth Judicial Circuit dist. atty. may appt. deputy dist. atty.,
Act 90-202, Reg. Sess. 1990 am'd.

S. 334	39
Animal research, agricultural, commercial or ed. facilities, crimes re, penalties	
S. 467	81
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MOTION TO ADJOURN LOST

At 3 o'clock P.M. Senator Amari moved that the Senate adjourn until Tuesday, April 20, 1993, at 2 o'clock P.M., which motion was lost.

Yeas 5 Nays 18

Yeas:

Senators:

Amari, Escott-Russell, Ghee, Parsons, and Sanders - 5

Nays:

Senators:

Barron, Bennett, Bolling, deGraffenried, Dial, Dixon, Ellis, Figures, Foshee, Hale, Lindsey, Lipscomb, Little, Mitchell, Owens, Waggoner, Wilson, and Windom -18

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 295. To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving under the influence of alcohol and drugs to increase the penalties and sanctions for a fourth and subsequent conviction.

DON HALE,
Chairperson.

FURTHER CONSIDERATION OF SR 100

The Senate proceeded to further consideration of the Resolution, SR 100. The question was on the Figures substitute.

Which was adopted.

And on motion of Senator Dial, the Resolution, SR 100, as amended by the substitute, was then adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 324. MOURNING THE DEATH OF PAUL B. FORD, JR., OF BIRMINGHAM, ALABAMA.

Also:

HJR 325. COMMENDING SUE STEVENS MCWHORTER, 1993 "HOME ECONOMIST IN BUSINESS OF THE YEAR" IN MADISON COUNTY, ALABAMA.

Also:

HJR 326. COMMENDING THE BOB JONES HIGH SCHOOL PATRIETTES OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 327. DESIGNATING THE WEEK OF MAY 23 TO MAY 29, 1993, AS "EMERGENCY MEDICAL SERVICES WEEK" IN ALABAMA.

Also:

HJR 331. COMMENDING MRS. GRACE CAWLEY ROBINSON OF FOLEY, ALABAMA, FOR OUTSTANDING SERVICE IN THE FIELD OF EDUCATION.

Also:

HJR 335. COMMENDING MRS. RACHAEL M. BERRYMAN OF COLBERT COUNTY, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

HJR 337. MOURNING THE DEATH OF LUTHER E. CRANFORD, JR., OF MOUNTAIN BROOK, ALABAMA.

Also:

HJR 338. COMMENDING COACH RICK BOLLING, COACH OF THE YEAR, THE ALABAMA JUNIOR AND COMMUNITY COLLEGE CONFERENCE'S NORTHERN DIVISION.

Also:

HJR 340. COMMENDING THE ORIGINAL MEMBERS OF THE FRANKLIN COUNTY WATER COORDINATING AND FIRE PREVENTION AUTHORITY.

Also:

HJR 341. COMMENDING DAVID N. WRIGHT UPON HIS INSTALLATION AS 1993 CHAIRMAN OF THE BOARD OF THE MOBILE AREA CHAMBER OF COMMERCE.

Also:

HJR 346. COMMENDING AND EXPRESSING APPRECIATION TO THE SHELBY COUNTY HIGHWAY DEPARTMENT.

Also:

HJR 347. COMMENDING AND EXPRESSING APPRECIATION TO THE SHELBY COUNTY DISTRICT OF THE STATE HIGHWAY DEPARTMENT.

Also:

HJR 339. COMMENDING THE VINA HIGH SCHOOL DEVILLETES GIRL'S BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 242. COMMENDING LOUISE LAMBERT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

HJR 251. CONGRATULATING MRS. MARRISSETTA RENCHER ON THE OCCASION OF HER 80TH BIRTHDAY.

Also:

HJR 254. COMMENDING THE RED BAY LADY TIGERS BASKETBALL TEAM ON WINNING THE 1993 STATE CLASS 3-A BASKETBALL CHAMPIONSHIP.

Also:

HJR 255. COMMENDING THE AUBURN UNIVERSITY DEPARTMENTS OF CONSUMER AFFAIRS AND TEXTILE ENGINEERING FOR THEIR LONG-STANDING COMMITMENT TO ALABAMA'S TEXTILE AND APPAREL INDUSTRY.

Also:

HJR 256. COMMENDING MRS. MAUDE YATES MURPHEY OF MACON, MISSISSIPPI.

Also:

HJR 260. COMMENDING DR. EMERSON A. COOPER FOR OUTSTANDING CONTRIBUTIONS TO OAKWOOD COLLEGE.

Also:

HJR 261. COMMENDING CLARA D. ROBERSON BRYANT FOR OUTSTANDING ACHEIVEMENT AND SERVICE TO THE TEACHING PROFESSION.

Also:

HJR 262. COMMENDING THE REVEREND JOHN L. HERN-DON, III, FOR DISTINGUISHED SERVICE TO FELLOWSHIP PRESBYTERIAN CHURCH, HUNTSVILLE, ALABAMA.

Also:

HJR 263. COMMENDING HAZELWOOD HIGH SCHOOL ON ITS OUTSTANDING FOOTBALL PROGRAM.

Also:

HJR 265. COMMENDING RONICA POLK OF OAKMAN, ALABAMA, MISS ALABAMA AGRICULTURE 1993.

Also:

HJR 266. COMMENDING CALVIN O'NEAL SANDERS FOR DEVOTED AND FAITHFUL SERVICE TO CATOMA BAPTIST CHURCH.

Also:

HJR 267. NAMING DR. LeROY BROWN AS PRESIDENT EMERITUS OF JEFFERSON STATE COMMUNITY COLLEGE, BIR-MINGHAM, ALABAMA.

Also:

HJR 268. NAMING DOCTOR GEORGE L. LAYTON AS PRESIDENT EMERITUS OF JEFFERSON STATE COMMUNITY COLLEGE, BIRMINGHAM, ALABAMA.

Also:

HJR 269. COMMENDING MARTHA OWEN FOR OUTSTANDING CONTRIBUTIONS.

Also:

HJR 270. COMMENDING JAMES TERRY OF SELMA, ALABAMA.

Also:

HJR 271. CONGRATULATING THE WINFIELD PIRATES BOYS BASKETBALL TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Also:

HJR 274. DESIGNATING THE WEEK OF APRIL 25 TO MAY 1, 1993, AS MOBILE CRIME VICTIMS' RIGHTS WEEK IN THE CITY OF MOBILE.

Also:

HJR 275. COMMENDING THE U8 MICKLEBOROS SOCCER TEAM ON ITS 1992 SEASON.

Also:

HJR 276. COMMENDING THE MONTGOMERY YMCA U8 STING SOCCER TEAM FOR AN UNDEFEATED SEASON AND TOOK FIRST PLACE IN ITS LEAGUE.

Also:

HJR 280. RECOGNIZING JULY 13, 1993, AS THE 25TH ANNIVERSARY OF GOODWILL INDUSTRIES OF CENTRAL ALABAMA, INC.

Also:

HJR 284. COMMENDING J. GEORGE MITNICK, RECIPI-

ENT OF THE BROTHERHOOD AWARD FROM THE NATIONAL
CONFERENCE OF CHRISTIANS AND JEWS.

Also:

**HJR 288. DESIGNATING THE ALABAMA THEATRE FOR
THE PERFORMING ARTS AS THE STATE HISTORIC THEATRE.**

Also:

**HJR 296. COMMENDING GEORGE T. SANDOZ OF MO-
BILE, ALABAMA, FOR OUTSTANDING SERVICE TO OTHERS.**

Also:

**HJR 297. COMMENDING WELR-FM RADIO FOR OUT-
STANDING COMMUNITY SERVICE.**

Also:

**HJR 299. COMMENDING DR. FELIX NATHANIEL NIXON,
PRESIDENT OF THE ALABAMA MISSIONARY STATE BAPTIST
CONVENTION.**

Also:

**HJR 301. RECOGNIZING BALDWIN COUNTY COMMIS-
SIONER, MAX FOREMAN.**

Also:

**HJR 302. COMMENDING JAMES MATTHEW BOWER ON
BECOMING AN EAGLE SCOUT.**

Also:

**HJR 303. COMMENDING THE AUSTIN HIGH SCHOOL
BLACK BEARS ON THE 1993 STATE CLASS 6A BASKETBALL
CHAMPIONSHIP.**

Also:

**HJR 304. COMMEMORATING THE LIFE AND WORKS OF
WILLIAM F. OVERBEY IN SERVICE TO TALLADEGA COUNTY
CHAPTER, ALABAMA EASTER SEAL SOCIETY.**

Also:

**HJR 305. COMMENDING ROSIE CHAMBERS FOR OUT-
STANDING ACHIEVEMENT.**

Also:

HJR 307. COMMENDING BARBARA JEAN HENDERSON ANTHONY FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE TEACHING PROFESSION.

Also:

HJR 310. COMMENDING AND EXPRESSING APPRECIATION TO THE ALABAMA POWER COMPANY.

Also:

HJR 317. RELATIVE TO MEETING DAYS.

Also:

HJR 329. MOURNING THE DEATH OF JERRY D. COLEMAN OF FAIRFIELD, ALABAMA.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate:

S. 318. To provide for the regulation and licensure of athletic trainers; to provide for an Athletic Trainers' Board; to prescribe civil procedures for appeals; and to prescribe fines and penalties for the violation of this act.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

Senator Waggoner moved that the Senate non-concur in the fol-

lowing House amendment to the Bill, SB 318, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SB 318

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the regulation and licensure of athletic trainers; to provide for an Athletic Trainers' Board; to prescribe civil procedures for appeals; to provide for a fund and for an appropriation; and to prescribe fines and penalties for the violation of this act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Alabama Athletic Trainers Licensure Act."

Section 2. The following words and phrases shall have the following meanings:

(1) **APPRENTICE ATHLETIC TRAINER.** A person who assists in the duties usually performed by an athletic trainer and who works under the direct supervision of a licensed athletic trainer.

(2) **ATHLETE.** A person who participates in a competitive athletic activity being conducted by an educational institution, professional athletic organization, or a board sanctioned amateur athletic organization.

(3) **ATHLETIC INJURY.** An injury received by an athlete as a result of the preparation or participation of the athlete in an athletic activity.

(4) **ATHLETIC TRAINER.** A person licensed by the Alabama Board of Athletic Trainers as an athletic trainer and who practices athletic training on an athlete under the direction or referral, or both, of a licensed physician after meeting the requirements of this act and rules and regulations promulgated pursuant to this act.

(5) **ATHLETIC TRAINING PRACTICE.** Practice by an athletic trainer of any of the following:

a. Under physician direction or referral, or both, the prevention of athletic injuries.

b. The organization and administration of athletic training programs.

c. Athletic counseling and guidance and the education of athletes regarding athletics and athletic training.

d. Under physician direction and referral, the rehabilitation and reconditioning of an athlete.

e. Under physician supervision, the evaluation, the recognition, and management of athletic injuries.

(6) BOARD. The Alabama Board of Athletic Trainers.

(7) PHYSICAL THERAPIST. A physical therapist licensed by the Alabama State Board of Physical Therapy.

(8) PHYSICAL THERAPIST DIRECTION. An athletic trainer acting under the supervision of a physician in a licensed health care facility operating under the direction of a licensed physical therapist in accordance with physician supervision of the athletic trainer.

(9) PHYSICIAN. A physician licensed by the Medical Licensure Commission of Alabama.

(10) PHYSICIAN SUPERVISION. A licensed athletic trainer acting under the supervision of a physician if:

a. The activities are undertaken pursuant to a verbal or written order of the physician who has evaluated the injured athlete; or

b. The activity is undertaken in accordance with a written protocol signed by the physician which describes the athletic injury encountered and directs appropriate medical interventions consistent with the qualification, training, and experience of the licensed athletic trainer. The State Board of Medical Examiners shall establish minimum medical criteria for any protocol used by athletic trainers and shall specify those conditions and circumstances which require referral to the physician for further evaluation.

Section 3. (a) The Alabama Board of Athletic Trainers shall be composed of nine members who shall serve four-year terms. Members may not serve more than two consecutive four-year terms. Three members shall be black, one of whom shall be a physician member. The composition of the board shall be as follows:

(1) Six members appointed by the Alabama Athletic Trainers Association in accordance with subsection (b) below, one of whom shall be an athletic trainer who is a licensed physical therapist.

(2) Three physicians licensed to practice medicine actively

engaged in the treatment of athletes and athletic injuries appointed by the Medical Association of the State of Alabama.

(b) The six athletic trainers shall be appointed by the Alabama Athletic Trainers Association. The association shall conduct an annual meeting at which all athletic trainers holding a current license as identified under this act shall have the right to attend, nominate, and vote. The association shall regulate and prescribe the date, hour, and place of the meeting, the method of nomination, and the manner of voting. At least 30 days prior to the meeting, the association shall mail notices to each current licensee at the address shown on the current registration notifying of the exact date, hour, and place of the meeting, the purpose of the meeting, and of the right to attend and vote. To qualify as a board member pursuant to this subsection, a person shall be a citizen of the United States and have acted as an athletic trainer for three years within this state immediately preceding appointment.

(c) In making the initial appointments, the Alabama Athletic Trainers Association shall appoint one athletic trainer whose term will expire in 1994, two athletic trainers whose terms will expire in 1995, and one athletic trainer whose term will expire in 1996, and two athletic trainers whose terms will expire in 1997. The Medical Association of the State of Alabama shall appoint one physician whose term will expire in 1994, one physician whose term will expire in 1995, and one physician whose term will expire in 1996. All appointments expire on December 31 of the year specified.

(d) Each appointee to the board shall qualify by taking an oath of office within 15 days from the date of the appointment. On presentation of the oath, the Secretary of State shall issue commissions to appointees as evidence of their authority to act as members of the board. In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the appropriate association in the same manner as other appointments.

(e) The board shall elect a chair, a vice-chair, and secretary from its members for a term of one year and may appoint any committees and formulate any rules it considers necessary to carry out its duties pursuant to this act. The board shall meet at least twice each year. Additional meetings may be held on the call of the chair or at the written request of any two members of the board. The secretary shall keep a record of the proceedings of the board. The board may promulgate and adopt rules and regulations consistent with this act which are necessary for the performance of its duties. The State Board of Medical Examiners and the Alabama Board of Athletic Trainers shall jointly approve any rule, regulation, or policy that interprets, explains, or enumerates the permissible acts, functions, or services rendered by an athletic trainer or apprentice athletic trainer as those acts, functions, and

services are defined in Section 2 of this act. Any rule, regulation, or policy adopted in violation of this requirement is invalid. The board shall prescribe application forms for license applications. The board shall adopt an official seal and a license certificate of suitable design.

Section 4. No person shall use the title "athletic trainer," "certified athletic trainer," or "licensed athletic trainer," or use the letters "LAT," "ATC," or "AT," or any other facsimile thereof, whether or not compensation is received or expected, unless the person is licensed as an athletic trainer in this state pursuant to this act.

Section 5. Any person seeking licensure as an athletic trainer shall meet at least one of the following requirements:

(1) Satisfactorily complete all of the National Athletic Trainers' Association (NATA) Board of Certification, Inc., qualifications and be certified as an athletic trainer in good standing by the National Athletic Trainers' Association Board of Certification, Inc.

(2) The board shall grant, without examination, licensure to any qualified trainer holding a license certificate or registration in another state if that state meets the minimum qualifications of this act. If the other state accepts licenses of this state in the same manner, the license shall be granted under reciprocity.

Section 6. An athletic trainer, functioning under the supervision of a physician, may use therapeutic exercise and modalities for the treatment of athletic injuries for which he or she has received appropriate training or education.

Section 7. (a) Any person actively engaged as an athletic trainer on the effective date of this act shall be issued a license certificate if the athletic trainer submits proof of three years of experience as an athletic trainer within the preceding five-year period, receives approval by the board, and pays the license certificate fee as determined by the board. For the purpose of this section, a person is actively engaged as an athletic trainer if the person is employed on a salaried basis for the duration of the institution's school year, or the length of the athletic organization's season, and was hired and performs the duties of an athletic trainer as the major responsibility of employment. One year from the effective date of this act, application for a license certificate pursuant to this subsection shall not be permitted.

(b) The board shall grant licensure to any physical therapist who has satisfactorily completed all of the American Physical Therapy Association (APTA) qualifications as a board certified sports physical therapist (SCS). Three years from the effective date of this act, application for a licensure certificate pursuant to this subsection shall not be permitted.

(c) The board may grant licensure to a licensed physical therapist who submits experience as an athletic trainer within the preceding five-year period if the person performed duties as an athletic trainer as a significant responsibility. One year from the effective date of this subsection, application for licensure pursuant to this subsection shall not be permitted.

Section 8. Continuing education requirements are mandated, as outlined by the National Athletic Trainers' Association (NATA) Board of Certification, Inc., and approved by the board for license renewal, and shall be fulfilled during three-year periods running concurrently with the requirement to maintain certification through the Alabama Board of Athletic Trainers. Proof of the completion of continuing education as required by this section shall be submitted to the board within 30 days of the completion or proof that the continuing education requirements have been filed with the National Athletic Trainers' Association.

Section 9. (a) Nothing in this act shall be construed as preventing or restricting any of the following persons from engaging in the profession or occupation for which they are licensed, certified, or registered in Alabama as follows:

(1) Physicians and surgeons licensed by the Medical Licensure Commission of Alabama.

(2) Dentists licensed by the State Board of Dental Examiners.

(3) Optometrists licensed by the State Board of Optometry.

(4) Nurses licensed by the Alabama Board of Nursing.

(5) Chiropractors licensed by the State Board of Chiropractic Examiners.

(6) Podiatrists licensed by the State Board of Podiatry.

(7) Physical therapists licensed by the State Board of Physical Therapy.

(8) Occupational therapists licensed by the State Board of Occupational Therapy.

(9) Emergency medical technicians licensed by the State Department of Public Health.

(b) This act shall not apply to the following persons:

(1) Coaches and physical education instructors in the performance of their duties.

(2) Apprentice athletic trainers who confine themselves to the duties prescribed in this act.

(3) Athletic trainers from other nations, states, or territories performing their duties for their respective teams or organizations and only during the course of their team's or organization's stay in this state.

(4) A person who performs any of the services set forth in this act as long as the person does not violate this act.

Section 10. The board may refuse to issue a license certificate to any person and, after notice and hearing pursuant to its regulations and rules, may suspend or revoke the license certificate of any person who has done any of the following:

(1) Practiced athletic training other than under the direction or referral, or both, of a physician licensed to practice medicine or surgery.

(2) Uses drugs or intoxicating liquors to an extent which affects professional competency.

(3) Obtained or attempted to obtain a license by fraud or deception.

(4) Been grossly negligent in the practice of athletic training.

(5) Been adjudged mentally incompetent by a court of competent jurisdiction.

(6) Been guilty of conduct detrimental to the best interest of the public.

(7) Has been imprisoned for violating any state or federal controlled substance law.

(8) Treated or undertaken to treat human ailments otherwise than by athletic training and according to standards established by the board.

(9) Advertised unethically according to standards as set by the board.

(10) Failed or refused to obey any lawful order or regulation of the board.

(11) Unlawful invasion of the field of practice of any other profession.

Section 11. (a) Any person whose application for a license is

denied is entitled to a hearing before the board if the person submits a written request to the board. Proceedings for revocation or suspension of a license shall be commenced by filing charges with the board in writing and under oath. The charges may be made by any person or persons. The secretary shall fix a time and place for a hearing and shall cause a written copy of the charges or reason for denial of a license, together with a notice of the time and place fixed for hearing to be served on the applicant requesting the hearing or the licensee against whom the charges have been filed at least 20 days prior to the date set for the hearing. Service of charges and notice of hearing may be given by certified mail to the last known address of the licensee or applicant. At the hearing, the applicant or licensee has the right to appear either personally or by counsel, or both, to produce witnesses, to have subpoenas issued by the board, and to cross-examine the opposing or adverse witnesses. The board is not bound by the strict rules of procedure or by the laws of evidence in the conduct of the proceedings, but the determination shall be founded upon sufficient legal evidence to sustain it. The board shall determine the charges on their merits and enter an order in a permanent record setting forth the findings of fact and law, and the action taken. On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six months after the order of cancellation or revocation has become final; and the application shall be made in the manner and form as the board may require.

(b) A person whose application for a license has been refused or whose license has been cancelled, revoked, or suspended by the board may take an appeal, within 30 days after the order is entered in the judicial circuit of his or her residence or in the Montgomery County Circuit Court, to any court of competent jurisdiction.

(c) Appeal from the judgment of the court lies as in other civil cases.

Section 12. Any person who violates any provision of this act is guilty of a Class B misdemeanor, and, upon conviction, shall be punished and fined, or both, as provided by law.

Section 13. Any person who holds a license pursuant to this act as an athletic trainer may use the words "athletic trainer" or "licensed athletic trainer," and may use the letters "LAT" in connection with his or her name to denote his or her licensure as an athletic trainer.

Section 14. There is hereby created in the state treasury a fund to be known as the Athletic Trainers Fund. All receipts of the Alabama Athletic Trainers Board shall be deposited into this fund. The expenses incurred by the Alabama Athletic Trainers Board in carrying out the

provisions of this act shall be paid out of the Athletic Trainers Fund by warrant of the comptroller upon the treasurer upon itemized vouchers, approved by the chair of the board. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96 and Sections 41-19-1 to 41-19-12, inclusive, Code of Alabama 1975, and only in amounts as stipulated in the general appropriations act or other appropriations acts.

Section 15. There is appropriated from the Athletic Trainers Fund to the board for fiscal year 1992-93 and fiscal year 1993-94, such amounts as are deemed necessary by the board to fund the costs of its operations. This appropriation is in addition to any other appropriation heretofore or hereafter made.

Section 16. Nothing in this act shall authorize an athletic trainer or apprentice athletic trainer to engage in the practice of medicine; to diagnose, treat, or cure any human disease, illness, ailment, infirmity, pain, or other condition which is not an athletic injury; to perform surgery of any type or description; or to prescribe any drug or medical device.

Section 17. An athletic trainer under the supervision of a physician in a licensed health care facility shall operate under the direction of a licensed physical therapist in accordance with physician supervision of the athletic trainer.

Section 18. The Alabama Board of Athletic Trainers is subject to the provisions of the Alabama Sunset Law of 1981, shall be classified an enumerated agency under Section 41-10-3, Code of Alabama 1975, and shall terminate on October 1, 1997, unless continued as therein provided. If continued, the board shall be reviewed every four years thereafter and terminated unless continued by the law.

Section 19. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Also:

AMENDMENT TO SB 318, AS SUBSTITUTED

To amend SB 318 as substituted on page 4, line 12 by adding after the phrase "Trainers Association" the following:

", and as provided in subsection (2)(c) below."

Further amend the bill on page 4, line 4 by deleting the phrase "subsection (b)" and inserting in lieu thereof the following:

"subsections (b) and (c)"

Further amend the bill on page 5, line 1 after the "period" by adding the following:

"The two member-slots left vacant by the athletic trainers in 1994 shall thereafter be filled by two high school athletic trainers appointed by the Alabama Athletic Trainers Association."

and requested a Committee on Conference.

Senator Parsons offered a substitute motion that the Senate concur in said House amendment to the Bill, SB 318.

On motion of Senator Amari, said substitute motion to concur was laid on the table.

The question recurred on the motion of Senator Waggoner, that the Senate non-concur in the House amendment to the Bill, SB 318, and request a Committee on Conference, which motion was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Foshee, Hale, Lipscomb, Little, Mitchell, Parsons, Sanders, Waggoner, and Windom -18

Nays:

- 0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate, Senators deGraffenried, Lindsey, and Waggoner.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill:

H. 301. To amend Section 38-4-12 and Section 40-8-3, Code of Alabama 1975, to appropriate the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors to veterans home programs.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 301, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

**TOM BUTLER,
BILL FULLER,
STEVE MCMILLAN,**

Conferees on the Part of the House

**DON HALE,
BOBBY DENTON,
BILL SMITH,**

Conferees on the Part of the Senate

CONFERENCE COMMITTEE SUBSTITUTE FOR HB 301

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 38-4-12, Code of Alabama 1975, to further provide for the appropriation of the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 38-4-12, Code of Alabama 1975, is amended to read as follows:

"§38-4-12.

"(a) Except as provided in subsection (b), there ~~There is hereby~~ appropriated to the state department, for old age pension purposes, out of the proceeds from the levy of the one mill tax for the relief of needy Confederate soldiers and sailors and their widows, all of the surplus or residue ~~thereof from the tax~~ after the payment in full of the pensions to the widows of Confederate soldiers and sailors and other charges against ~~said the fund set out in the provisions of the laws authorizing the payment of such the pensions to said the widows, and in.~~ In making this appropriation, it is ~~hereby~~ declared to be the legislative policy that the department of human resources shall expend all of the surplus or residue hereby appropriated and all moneys received by it from the federal government as matching ~~of any or funds for~~ all funds expended for Confederate pensions or as matching ~~of funds for~~ the surplus or

residue hereby appropriated under this section, for old age pension purposes exclusively insofar as is possible under existing laws and the rules and regulations of the federal government and of the department of human resources in regard thereto, before any part thereof may be expended for any other purposes of the department of human resources.

(b) From all of the surplus or residue provided in (a) above after deducting the amounts allotted to the recipient agencies under the annual appropriations act from the one mill ad valorem tax, there is hereby appropriated to the Department of Veterans' Affairs all of the remaining residue to be expended for veterans' nursing homes located in Bay Minette, Alabama and Huntsville, Alabama. This appropriation shall continue until the Department of Veterans' Affairs receives an aggregate of five million and five hundred thousand dollars (\$5,500,000).

(c) At such time that the provisions of subsection (b) above are met, the distribution of the 1 mill tax as provided in Section 1(a) above shall continue as provided in that section prior to the passage of this act."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, HB 301, as thus amended by the Report of the Committee on Conference, was again read and passed.

And said Bill, HB 301, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Senator Foshee, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, HB 301, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Hale, Lindsey, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (J), Waggoner, and Windom -23

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 145. To provide for forfeiture of a motor vehicle driven or operated under the influence by a person with a suspended or revoked driver's license as a result of a conviction for driving a vehicle while under the influence of alcohol or a controlled substance, and to establish a procedure for forfeiture and the limitation on the sums generated from the forfeiture and certain exceptions for family hardship cases.

DON HALE,
Chairperson.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 76	SJR 81	SJR 87
SJR 77	SJR 84	SJR 88
SJR 78	SJR 85	SJR 89
SJR 79	SJR 86	SB 503
SJR 80		

Delivered to the Governor, April 15, 1993, at 11 o' clock A.M.

SB 142

SB 563

Delivered to the Governor, April 15, 1993, at 12:10 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 3:50 P.M., on motion of Senator Foshee, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, April 20, 1993, at 2 o'clock P.M.